

India's Parliament

Volume XIII

*Selections from the Proceedings of the Fifth
Session of the Second Legislative Assembly and
the Second Session of the Council of State,
1926.*



Prepared by the
DIRECTOR, BUREAU OF PUBLIC INFORMATION,
GOVERNMENT OF INDIA.



CALCUTTA : GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH

1927

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TABLE OF CONTENTS.

	PAGE.
Introduction	vii
 PART I. 	
EXTRACTS FROM SELECTED SPEECHES DELIVERED IN THE LEGISLATIVE ASSEMBLY.	
INAUGURATION OF THE FIFTH SESSION OF THE SECOND LEGISLATIVE ASSEMBLY—	
HIS EXCELLENCY THE VICEROY	1
RESOLUTION REGARDING REGULATION OF THE PERFORMANCE OF RELIGIOUS FESTIVALS, ETC.—	
Maulvi Muhammad Yakub	7
Diwan Bahadur T. Rangachariar	12
Lala Lajpat Rai	15, 41
Sir Hari Singh Gour	15, 37
Nawab Sir Sahibzada Abdul Qaiyum	16
The Hon'ble Sir Alexander Muddiman	17, 24 56
Mr. K. Ahmad	18
Dr. S. K. Datta	20
Sir Denys Bray	22
Raja Ghazanfar Ali Khan	29
Colonel J. D. Crawford	33
Mr. K. C. Roy	35
Mr. J. Sheepshanks	40
The Rev. Dr. E. M. Macphail	46
Pandit Madan Mohan Malaviya	49
RESOLUTION REGARDING REPORT OF THE TAXATION ENQUIRY COMMITTEE—	
The Hon'ble Sir Basil Blackett	59, 78
Sir P. S. Sivaswamy Aiyer	70
Sir Hari Singh Gour	74
Diwan Bahadur T. Rangachariar	77
Sir Walter Willson	78
Mr. K. C. Roy	78
Mr. M. A. Jinnah	79
The Hon'ble Sir Alexander Muddiman	81
RESOLUTION REGARDING RETENTION IN ITS PRESENT SITE OF RAMESWARAM STATION ON THE SOUTH INDIAN RAILWAY—	
Mr. K. Rama Aiyangar	82, 92
Mr. K. Ahmad	86
The Hon'ble Sir Charles Innes	87, 92
Sir Purshotamdas Thakurdas	89
Khan Bahadur W. M. Hussanally	90

PAGE.

Sir Darcy Lindsay	91
Mr. K. C. Neogy	91
Pandit Sham Lal Nehru	91

THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) BILL—

The Hon'ble Sir Alexander Muddiman	93, 122, 133, 139
Mr. B. Das	97
Sir Hari Singh Gour	97, 130
Mr. K. C. Roy	100, 136
Lala Lajpat Rai	101, 132
Mr. C. A. H. Townsend	105
Mr. N. M. Dumasia	106
Colonel J. D. Crawford	107
Diwan Bahadur T. Rangachariar	109, 127, 135
Khan Bahadur A. Rahman	112
Sir P. S. Sivaswamy Aiyer	114
Pandit Madan Mohan Malaviya	115
Mr. M. A. Jinnah	121
Khan Bahadur W. M. Hussanally	129
Khan Bahadur Saiyid Muhammad Ismail	135
Sir Purshotamdas Thakurdas	137
Sir Darcy Lindsay	139

THE CURRENCY BILL—

The Hon'ble Sir Basil Blackett	140
Diwan Bahadur T. Rangachariar	149
The Hon'ble Sir Alexander Muddiman	155
Mr. M. A. Jinnah	156

PART II.**EXTRACTS FROM SELECTED SPEECHES DELIVERED IN THE COUNCIL OF STATE.****RESOLUTION REGARDING INDIAN BANKING—**

The Hon'ble Sir Phiroze Sethna	159
The Hon'ble Sir Ebrahim Haroon Jaffer	163
The Hon'ble Mr. J. E. C. Jukes	164

RESOLUTION REGARDING REPORT OF THE TAXATION ENQUIRY COMMITTEE—

The Hon'ble Mr. J. E. C. Jukes	164, 175
The Hon'ble Rao Sahib Dr. U. Rama Rau	170
The Hon'ble Sir Arthur Froom	171
The Hon'ble Sir C. Sankaran Nair	171
The Hon'ble Sir Maneckji Byramji Dadabhoy	173
The Hon'ble Mr. J. W. A. Bell	174

PAGE.

CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) BILL—	
The Hon'ble Mr. J. Crerar	176, 190
The Hon'ble Sir C. Sankaran Nair	179
The Hon'ble Mr. D. Weston	182
The Hon'ble Sir Phiroze Sethna	184
The Hon'ble Sir Maneckji Dadabhoy	186
The Hon'ble Mr. A. M. Stow	188
The Hon'ble Sir Dinsshaw Wacha	189
The Hon'ble Mr. V. Ramadas Pantulu	191
The Hon'ble Sir Alexander Muddiman	195
The Hon'ble Saiyid Raza Ali	197

PART III.

SELECTED QUESTIONS AND ANSWERS.

A—POLITICAL—

Communal Riots	201
--------------------------	-----

B—SERVICES—

Indianisation of the Indian Civil Service and the Indian Police Service	204
Indianisation of the Indian Forest Service	205
Indianisation of the Indian Service of Engineers	205
Recruitment of Indians for the Political Department	206
Recruitment for the Imperial Customs Service	206
Recruitment for the Superior Telegraph and Wireless Branch	206
Indianisation of the Services on State Railways	206
Reservation of a definite proportion of appointments in the Indian Civil Service and the All-India Services for Men in the Provincial Services	207

C—EDUCATION—

Expenditure on the various forms of Education in the Areas under the direct control of the Government of India	208
--	-----

APPENDIX I.

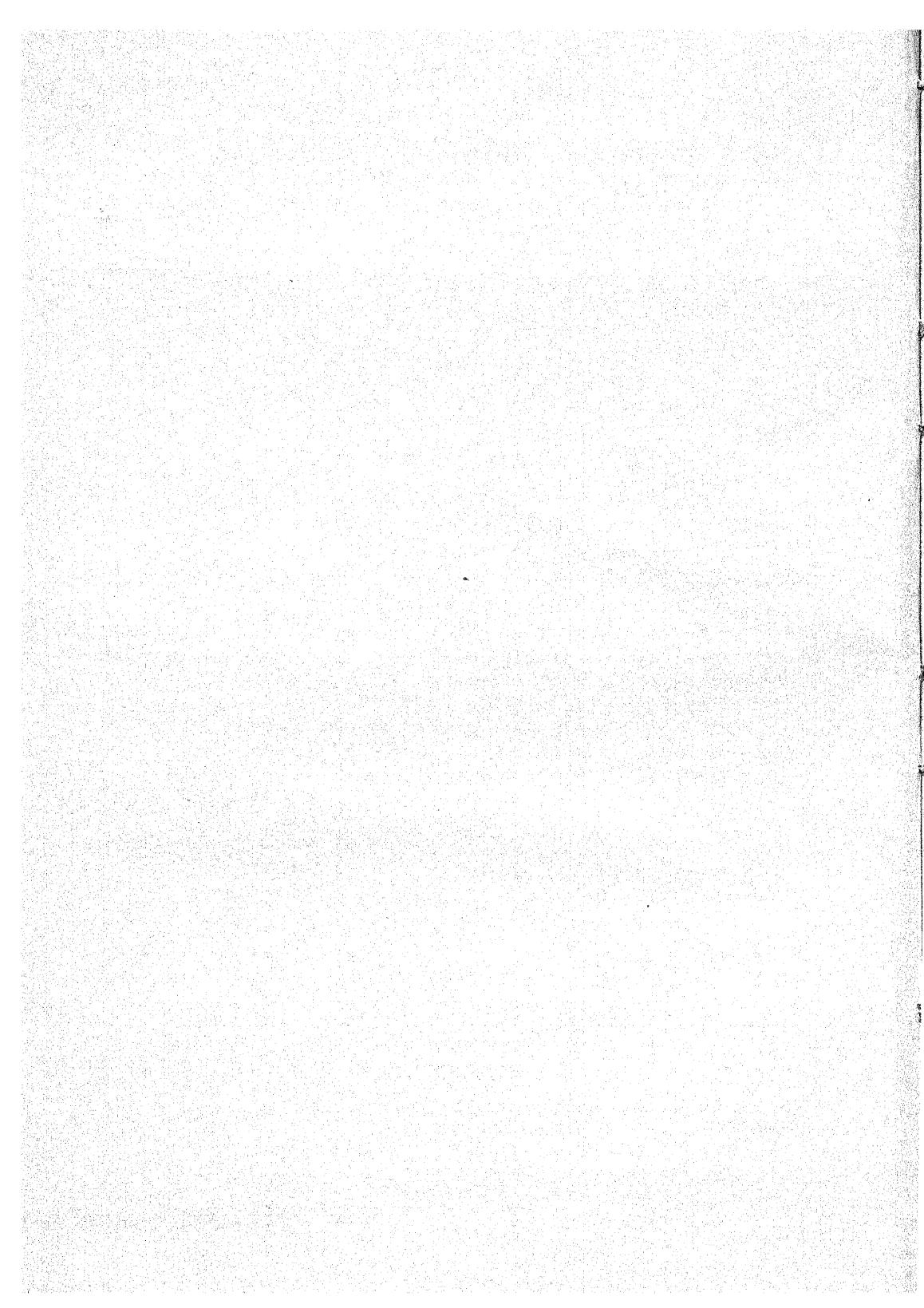
Statement showing Acts passed by the Indian Legislature during the Simla Session, 1926.	209
---	-----

APPENDIX II.

Statement showing Bills pending before the Legislative Assembly after the Simla Session, 1926 and before dissolution	210
--	-----

APPENDIX III.

Statement showing Bills pending before the Council of State after the Simla Session, 1926.	211
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India's Parliament at Simla.

Foreword.

The Legislative Session at Simla began on the 17th August 1926, when the Council of State and the Legislative Assembly met together and were addressed by His Excellency the Viceroy. The attendance in the Council of State was good, but the Assembly was not in its usual strength because the Swarajists, who had withdrawn during the Delhi session, were still absent. The programme of business was not large but it contained some items of very great importance one of which, *viz.*, the Currency Bill, had even been instrumental in persuading the Swarajists to depart from their original resolve to stay away from the Assembly where there was "no more use for" them. The comparative thinness of the Assembly, under the circumstances, did not promise to last for the whole session. The other groups were fairly well represented; and it was evident that although they had not till then secured the "suffrage of the electorates," with the avowed object of seeking which they had gone "out into the country," the Swarajists would come back for one of the debates. As the session progressed, important business including resolutions dealing with the communal situation and the report of the Taxation Enquiry Committee, and legislation connected with certain recommendations of the Royal Commission on Indian Currency and Finance, with literature tending to promote mutual feelings of hostility between the communities, and with the report of the Indian Bar Committee came up. The debates which arose were characterised by the earnestness with which the legislature views questions of great moment. But except for their presence at the afternoon sitting which witnessed the adjournment of the discussion on the Currency Bill, the Swarajists made no contribution to any of the debates. The following pages will give the output of the last session. It will suffice here to mention that in the twelve sittings of the Assembly and eight of the Council of State a good deal of work was done.

His Excellency's address.

In welcoming the members of the Indian legislature to the labours of another session, Lord Irwin thanked them for affording him the opportunity of making their acquaintance and acknowledging the work they had done during the past sessions.

The relations of India with the Kingdoms of Nepal and Afghanistan, as with other powers whose countries adjoined India, continued to be friendly. The settlement of the difference about Mosul with Turkey had removed, said His Excellency "the outstanding obstacle to a full understanding between the two countries" and had been hailed both by the Muslim community and by general Indian opinion.

Government of the Union of South Africa which had had a satisfactory outcome. The result was due to various influences operating in close combination such as the steadfast policy of the Government of India "guided by the wise and patient diplomacy of Lord Reading, and assisted by the discreet restraint with which the Indian Legislature awaited the issue of developments which outwardly, at times, gave cause for anxiety and misgiving," the tact and dignity with which the Indian Deputation to South Africa had stated the case, the "valued support from Mr. Andrews" and the "broad-minded statesmanship of General Hertzog and his colleagues as expressed in their willingness to submit the Indian question in South Africa to discussion in a friendly conference." The Conference would meet in December at Cape Town and the Government of India hoped to announce a *personnel* of the Indian Delegation which would satisfy the public. The reception accorded by Indian opinion to the proposed conference augured well for its success. At the same time in order to enable representatives of the various political parties in South Africa to appreciate India's point of view and to strengthen the better understanding which had been created by the Indian Deputation, the Government of India had extended, and the Union Government had accepted, an invitation to send a representative Deputation to this country. This exchange of visits, His Excellency was confident, would "do much to give to the peoples of the two countries the real desire to appreciate and appraise one another's difficulties, which is the first step to the discovery of means by which conflicting claims may be brought into harmonious relation." His Excellency felt that no service would be done by denying the existence of, or underrating, the difficulties confronting the spokesmen of South African opinion or by regarding the question "as one susceptible of easy decision by some application of coercive force. Any solution that is to deserve the name, and to stand the test of time, must be based upon mutual accommodation and carry the free assent of both communities."

In October the Imperial Conference would meet to discuss important questions of general imperial concern. And "with the expansion of her natural and political resources," His Excellency felt confident, "India must take an increasingly important place in the general structure, for she has much both to give to, and receive from, others."

Coming to matters of domestic, financial and Industrial concern His Excellency referred to the recent rupee loan which had been a conspicuous success in view of the fact that in the space of two hours Government had obtained all the money they required on terms which were infinitely better than any they had been able to secure since the outbreak of the Great War and compared very favourably with those recently obtained for long-term loans by even those Governments whose credit stood highest in the world's money markets. The Report of the Taxation Enquiry Committee was under the careful consideration of the Government and His Excellency announced that a resolution would be moved in both chambers to give members an opportunity of expressing their views on any portion of the report in which they might be interested. The report of the Royal Commission on Indian Currency and Finance, observed His Excellency, testified to the thoroughness with which Mr. Hilton Young and his colleagues had done the work. Whatever judgment might be

formed of their conclusions, by the care and knowledge they had brought to the examination of those matters, they had given very valuable assistance. The Government of India had accepted two of the chief recommendations, *viz.*, "the ratio of the rupee to gold and the method of establishing that ratio during the period which must elapse before the responsibility for the control of the Currency can be transferred to a Central Bank." It had been felt that there should be no delay in making a clear statement of the Government's policy, and, as immediate action was necessary, a Bill would be introduced during the session which, His Excellency hoped, would "be examined not in the light of any local interests but with reference to its ultimate reaction upon the economic and commercial prosperity of the whole country." The Tariff Board was occupied with an important statutory enquiry into the Steel Industry and on the application of the Bombay Millowners' Association a second Board had been appointed to conduct an enquiry into the cotton textile industry. It was hoped that the reports of both these Boards would be submitted in time for consideration at the next Delhi session. Coming to the Royal Commission on Agriculture, His Excellency remarked that it had been fortunate in having for its President Lord Linlithgow who combined "sound practical experience in farming with a lifelong study of its scientific theory." His colleagues were "a body of men, who by their knowledge of practical agriculture, rural economy, science and engineering, are well fitted to analyse and review the allied questions on which the greater prosperity of the agriculturist depends."

Referring to Railway construction, which had been checked by the Great War, His Excellency observed that as a result of the improved financial position of railways generally, the Railway Board had been able to adopt a definite scheme for the next five years. They had devoted particular attention to the development of traffic in rural areas with a view to stimulating agriculture, and by a new adjustment of standards of construction to the conditions of each area they hoped to add six thousand miles of railways which would be at once remunerative and a boon to the country which they served. Another important development of railway policy was being carried out in the adoption of the recommendation of the Royal Commission on Public Services that recruitment in India to the Superior Railway Services should gradually be brought up to 75 per cent. of the total number of vacancies in each year. Rules had recently been published giving effect to this policy. Further recruitment of Indians had taken definite shape in the acceptance in principle of the scheme for the establishment in Indian waters of a training ship for deck officers. The estimates of the cost of the scheme had been prepared and the demand for a grant would be placed before the Assembly to cover the expenditure contemplated during the year.

A Public Service Commission had been constituted which would commence its work on the 1st October. The orders passed on the Lee Commission Report involved a wide extension of Indianization and it had become a matter of vital importance to improve the machinery for recruiting Indians which would form one of the main functions of the Commission. The Commission would also, it was hoped, assure to the services "protection in the honest performance of their duties from all influences, whether political, personal or communal, which might effect

them." It had been recognised that so long as provincial Governments on the transferred side were not free to organise the Superior services which administered the subjects committed to their charge, their initiative might to some extent be restricted. The Lee Commission had made recommendations, as a result of which, recruitment to the all-India services referred to had been stopped and recently power had been given to local Governments to organise such provincial services as they might require. These powers represented an important step in increasing the control of Ministers over transferred subjects. The Lee Commission had also made recommendations with regard to the control of the Central Services. With a few exceptions it had been decided that control over these services should be delegated to the Government of India. The necessary rules were under preparation and Lord Irwin hoped that within a few months the delegation would be an accomplished fact. "With the completion of this task and the settlement of the problem of the Indian Medical Service," said His Excellency "the action on the recommendations of the Lee Commission will practically be complete, and a reorganisation of the Services of a very striking character will have been accomplished."

"This action," continued His Excellency, "is the administrative counterpart of that taken seven years ago by the British Parliament towards enabling India, through the working of popular institutions, to assume greater responsibility for her own destiny. From the purpose then declared, the British people and the British Parliament have never wavered. By the action that they then took they gave statutory recognition to two governing ideas. They recognised the right of India to move towards self-government, and they recognised the obligation imposed upon the British people acting through Parliament to assist India to make that right a practical reality." Though on the surface these ideas might seem to conflict, they were in truth complementary. They could no more deny the fundamental duty of Parliament to assist India and to judge of the progress made, than they could deny the ultimate claim which India made, and to the satisfaction of which they worked. Before that claim could be fully realised, many obstacles imposed by history, circumstance and nature would need to be surmounted, and the task was one, of which the successful discharge must depend upon a true reconciliation of those rights and responsibilities. "It would indeed seem certain," said His Excellency, "that when the past achievements of progress have been the happy fruit of joint Indian and British effort, so now, in the solution of the present difficulties each race has an indispensable part to take." Within the next three years at the most the Statutory Commission would be appointed to conduct an investigation into the working and the results of the constitutional reforms for the purpose of ascertaining the degree of efficiency, or otherwise, with which the policy of 1919 had proceeded. His Excellency was aware that in various quarters the existing scheme had been criticised and that there had been, and would be, sharp disagreement as to the character and occasion of further progress, but he hoped that "if difference there must be, it shall be such difference as will not make us unwilling to admit the sincerity of those whose views on these subjects differ from our own. For my own part, I trust that I shall always be ready to acknowledge in those whose political views I cannot share, the same honesty of conviction which I claim for myself, and for those whose duty it is

to speak for Government. And I should be the last to desire, that in taking their share of a common task for the service of India, any should be required or expected to abandon principles which they revere. For peoples, as for individuals, the qualities which are needed to shoulder responsibilities are qualities which would be strangled by the denial of individuality, and it is no part of the British purpose to seek to force India into a mould unfriendly to the main features of Indian life and character."

The influence the events in the interval between now and the Commission's enquiry would exert upon its conclusions obliged His Excellency to refer to the feeling prevailing between the communities. His Excellency had anxiously watched for any signs that the responsible members of the two communities were approaching the feelings in that spirit of mutual tolerance which alone could put an end to discord. He was not so sanguine as to think that the temper of whole communities could be changed in a moment; time was required to lay its healing hands on the wound which was wasting their civic life. "But meanwhile" observed His Excellency, "we have obligations to law-abiding citizens. Although, indeed, these matters are the primary concern of Provincial Governments the form in which they are now emerging has in a real sense made them of all-India interest. While it is no part of the functions of the executive Government to ascertain or determine in any judicial sense the private rights of citizens—for an elaborate system of courts has been provided for that purpose—it is the undoubted duty of the executive authorities to secure that, subject to the rights of others and the preservation of the public peace, the enjoyment of those rights is secure to the individual. That duty the Government of India in co-operation with the local Governments desire should be performed with fairness and scrupulous impartiality." The antagonism which some members or sections had recently displayed towards the observances of others appeared to His Excellency "to some extent to be based, not so much on traditional loyalty to any creed, as on new assertions of abstract rights which it is sought to invest with the sanctity of ancient principles.

.....It cannot be too clearly emphasized that Government have no intention whatever of allowing any unjust or unreasonable claims, still less any violence or threat of violence, to deter them from their clear duty of maintaining the public peace and, so far as is compatible with the rights of others, the right of the individual citizen to pursue unhampered his lawful avocations. The present state of affairs is one which must, so long as it lasts, cause the greatest anxiety to all well-wishers of India.....It is my earnest hope, therefore, that the course of public affairs in the years immediately before us may be such as will justify the hopes of those who have seen in the reforms, tentative and imperfect as they may be, a generous attempt to equip India with the practical experience which is requisite if she is to undertake successfully an increasing share in her own Government. In the natural sphere, the mountain torrent, swollen with rains, rushing down in spate, wasted and unguided, brings no benefit but only disaster and destruction. The same waters, if their course may be wisely and beneficently directed, are the friend of man, and powerful to give new life to all that may be brought within their range."

Human nature was designed to be the master, not the slave of circumstance: and problems which baffled people when approached through

INTRODUCTION.

the atmosphere of suspicion and mistrust would seem less intractable if that atmosphere were dispelled. India had abundance of ability, but His Excellency thought that some of it had, in the past, been directed along lines that could lead to no useful or durable result.

"The attempt to apportion blame," concluded His Excellency, "for past disappointments, mistakes or misunderstandings is an empty and barren enterprise. We face the future, in which a few years are a puny measure by which to calculate the growth of nations. In that future I do not hesitate to say that the whole of the resources that India can command are needed for one of the greatest constructive tasks which has ever enlisted human energies and hopes."

Questions and answers.

Leaving aside questions of which private notice was given, 321 starred and 168 unstarred questions were put and answered in the Assembly while the interpellations in the Council of State did not go beyond 106. The decrease in the number of questions, which has been noticed in the previous sessions, was particularly marked during the last session when on most days interpellations were exhausted considerably before the expiry of the time allotted for the purpose, and on certain days there were no questions at all, with the result that the Assembly was frequently able to resume other business long before mid-day. The interpellations were directed, as usual, to matters connected with Railways, Indianization, grievances of individuals, the position of Indians abroad and topics of current interest such as communal riots.

Motion for adjournment.

The fall in the motions for adjournment was quite significant during the last session when on only one occasion was notice given by Mr. Kabir Uddin Ahmad for the adjournment of the House to discuss the action of the Government of India in the appointment of a Royal Commission on Agriculture, about the composition of its personnel, its terms of reference, and the views of the public thereon. In order to decide whether the motion was in order the President on the 18th August 1926, put a few questions to Mr. Ahmad and ruled that the Royal Commission having been announced on the 20th January, no motion of adjournment for the interruption of the ordinary business of the house could, at that stage, be in order.

To complete current topics, mention may be made of the deaths of the Honourable the Raja of Dighapatia and Mr. A. V. V. Aiyar. Touching references were made to the former on the 18th August 1926 in the Council of State and to the latter on the 31st August 1926 in the Assembly. Tributes were paid to the deceased and the two houses respectively recorded regret at the loss which had been sustained.

Resolutions.

As compared with previous sessions constitutional questions engaged very little attention. A few resolutions, however, did come up. On the 1st September 1926 Mr. N. M. Dumasaria moved in the Assembly that "this Assembly recommends to the Governor General in Council to

take immediate steps to remove the existing disqualification to the admission of women as members of this House."

Speaking on behalf of the Government, Mr. H. G. Haig said that if the House expressed the wish, Government would endeavour to make the regulations so that they might have effect for the coming general election. He explained that the disqualification of women for election to the Legislative Councils had been removed only in Bombay and Madras and only ladies from those Provinces would be eligible to stand for elections to the Assembly. It would, of course, be open at any future time for other Legislative Councils to allow women in those provinces to stand for election, and such a Resolution would automatically entitle them to stand for election to the Assembly. In the case of Delhi and Ajmer-Merwara ladies would not be eligible because they had not so far been granted a vote. Finally, the resolution would enable Government to nominate a lady to the Assembly from any part of India but this was a permissive power and Mr. Haig did not hold out any hope that it was likely to be exercised. Government left the resolution to the free vote of the Assembly. It met with a good deal of support from non-official members including Messrs. Joshi, Rangachariar, B. Das and Sham Lal Nehru. Maulvi Muhammad Yakub opposed it, but Sir Hari Singh Gour, who strongly supported the resolution, appealed to him not to press his opposition and the motion was passed without a dissentient voice.

On the 18th August 1926 the Home Member moved that the resolution regarding the appointment of Standing Committees to deal with Bills relating to Hindu and Muhammadan Law, which had been adjourned during the Simla Session 1925 be taken up. Mr. Jinnah pointed out that the House stood practically dissolved and it would not be desirable to take its decision on the questions raised in the resolution. Sir Alexander Muddiman did not desire to force the resolution down the throat of the House if it did not desire to discuss it. Further discussion was, thereupon, adjourned till the next session of the Assembly.

On the 18th August 1926, Sir Bhupendra Nath Mitra moved for the election of a member to represent the Assembly on the Council of the Indian Institute of Science, Bangalore. Dr. S. K. Datta objected to the motion because he thought that it would be a very dangerous precedent for the Assembly to be represented on institutions whose purpose was completely different to its own. Moreover, once they undertook to be represented on the governing bodies of institutions they would not know where the application of this principle was to stop. Dewan Bahadur T. Rangachariar also opposed the motion, but Dr. E. M. Macphail supported it. When put to the vote, the motion was carried by 50 votes against 14 and Sir Sivaswamy Aiyer was, on the 23rd August 1926, declared to have been elected to represent the Assembly on the Institute.

A few political resolutions were also moved. On the 24th August 1926 Maulvi Sayyad Murtaza Sahib Bahadur moved that "this Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by sending back all the Moplah and other prisoners, and also to throw it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers." The mover stressed the unhealthiness of the Andaman Islands and complained that all Government's attempts to improve them in this respect had failed. He

stated that convicts there found themselves in a vicious moral atmosphere and the recommendations of the Jails Committee regarding the abandonment of the Andamans as a penal settlement had not been carried out. Dealing with the case of the Moplahs in whom he was primarily interested, the mover declared that they were the victims of Martial Law and that their wives also were being sent to the Andamans. He asked that all convicts in the Andamans should be sent back to Indian Jails. Mr. Mahmood Schammad Sahib Bahadur supported the resolution and asserted that all the convicts preferred Indian Jails to the Andamans. He spoke of the danger to working parties of convicts from the Andamans aborigines. Dr. Lohokare dealt with the demerits of the Andamans from the point of view of the reformation of criminals. The Andamans, he said, formed an isolated criminal community and in such an atmosphere convicts could not be reformed. The Home Member explained and justified the policy of the Government with regard to the abandonment of the penal settlement. The abandonment was the definite policy and Government were working steadily towards it, but it could not possibly take place all at once. Immediate abandonment would mean that the Islands would revert to jungle. It would be a great hardship on the large numbers of "self-supporters"—convicts who were practically free except for the restriction that they could not leave the Islands, to return them to Indian Jails; Jail accommodation in India for all the long-term prisoners in the Andamans simply did not exist. Government had still done what was possible to reduce the numbers of the convicts; they had reduced them from 11,000 in 1921 to 7,000 in September 1925. Then they had to consider the local born inhabitants who numbered between four and five thousand and were attached to the Islands of which they formed good and valuable inhabitants. Dealing with the actual condition of the convicts, the Home Member showed how, since 1921, these had been improved by the freer issues of tickets of leave, payment for work, permission to wear civilian clothes, etc. The number of convicts employed on public works had been reduced from 10,000 in 1919 to 5,500 which included a large number of "self-supporters." The health of the convicts had greatly improved and recently the Government of India had approved of a regulation which made it possible for convicts on release to get permanent rights in land. Indeed, the regulation provided that if a convict cultivated land previous to his release and continued to cultivate it afterwards, the period of his cultivation as a convict would count towards his occupancy rights. Between 1921 and 1924 the area under cultivation had increased from 3,300 to 6,400 acres. The Home Member claimed that the plan he had put forward would make the Andamans a place where the convicts wishing to turn over a new leaf would have a chance of a new life in new surroundings and anybody who opposed a system of that kind was doing a great disservice to many people in this country. The climate of the Andamans was tropical and wet but they were not more malarious than many other parts of the world. Every effort was being made, notably by such measures as the draining of swamps, to combat malaria. The malaria figures were at present low and if the House allowed a little money the Andamans could become as healthy as other places with the same kind of climate. Coming to the question as other colonization of the Andamans the Home Member said that they were a most valuable property which, properly developed, would be a minor

Ceylon. There were great opportunities in the way of cultivation and in several other ways. He showed what the Government were doing to improve them but it was impossible at once to withdraw all the restrictions. About the return of the Moplahs, Sir Alexander Muddiman pointed out that as a special measure, in order to relieve the congestion in jails in the Madras Presidency, Government had permitted the transfer of Moplah convicts to the Andamans where the climate was similar to that of Malabar and the conditions governing the grant of land were very much better. The policy was to encourage them to remain on the islands as self-supporters or workers on plantations. They were granted lands; they were settled in villages; and they were permitted to import their wives and families at Government expense. Government had built them mosques and given them school-masters; and the Home Member testified to the fact that the Moplahs had built themselves extremely good villages. "The suggestion that they are molested by the rest of the convicts is entirely baseless," said the Home Member "because, I am told, they are regarded with such terror that no one ventures into their villages." Some Moplahs might be desirous of returning but numbers of them desired to settle down in the Andamans. The Home Member laid on the table of the House Photographs, which had been taken during his visit last year to the Islands, to help the House to realise the true condition of Moplah prisoners. He described the character of the agitation which had been raised in Malabar against the settlement of the Moplahs in the Andamans and told how the Government had asked a non-official deputation to go out to report on the Moplahs in the Andamans. The reports submitted by the members of this deputation were being considered by the Government and would be shortly published. Whilst the reports were under consideration the Home Member could not explain in detail the proposals Government had in view in regard to the Moplahs. His own opinion was that on the one hand it would be criminal to abandon the villages where people were willing to stay and, on the other, if they wanted to go back, he should be inclined, as then advised, to let them go back to jails. Sir Hari Singh Gour moved an amendment which sought to alter the resolution to read as follows: "this Assembly recommends to the Governor General in Council that he be pleased to abandon the Andamans as a penal settlement by throwing it open for free colonization, removing all restrictions on communications, settlements, etc., and also giving all the necessary facilities to the settlers." Colonel Crawford gave a few reminiscences of the time when he had served in the Andamans as a soldier and expressed the opinion that prisoners on the whole, were far more comfortable and happy than they would be in Indian jails. Dewan Bahadur T. Rangachariar doubted if Government were not going back on the policy Sir William Vincent had announced in 1921. After the picture the Home Member had drawn of the Andamans the speaker thought the Islands might be known as the Muddiman Islands. And if Sir Alexander was really enamoured of the place, why should the officials try to abolish it? He complained that the figures of the reduction of the convicts population were disappointing and urged the development of the natural resources of the Islands by means of free settlement. Colonel Gidney believed that the Moplah prisoners in the Andamans were really very happy. Sir Charles Innes recapitulated the circumstances under which Moplah prisoners had been sent

to the Andamans. Speaking with eleven years of experience in the Malabar district, the Commerce Member remarked that the climate of the Andamans was less feverish than that of the Ernad and Walluvanad Taluks of the Malabar district from which the Moplahs came. In the Andamans the Moplahs would have the sort of life they were accustomed to in Malabar. One special characteristic of the Moplah was his love of freedom and open air life and Sir Charles was unable to see why an attempt was being made to take the Moplah prisoners away from the life they were living in the Andamans, from a climate very similar to that of Malabar, and compel them to live in an Indian Jail. Khan Bahadur W. M. Hassanal asked for an assurance that the penal settlement would be abandoned in five years which the Home Member refused to give. Winding up the debate, the Home Member emphasized that the Government of India were, as quickly as possible, giving up the Andamans as a penal settlement, that they were trying to develop it as a free settlement and that, when circumstances permitted, Moplah prisoners would be given the option of staying in the Islands or returning to Indian jails. He could not meet all the demands contained in the resolution with some of which he was not in sympathy, but he claimed that he had shown that Government were endeavouring and would continue to endeavour to progress in the way of the direction desired. Sir Hari Singh Gour's amendment was negatived without a division and the resolution, when put to the vote, was lost by 43 votes against 20.

Having regard to the atmosphere prevailing in the country and the apprehensions with which the discussion was viewed, by far the most important political resolution of the session was moved by Maulvi Muhammad Yakub on the 24th August 1926 in the following terms: "this Assembly recommends to the Governor General in Council that Legislation be immediately taken in hand in order to regulate the performance of religious festivals, rites and ceremonies of different communities in India." The mover emphasized the gravity of the prevailing conditions and insisted that unless legislation was undertaken on the lines he had suggested no improvement was possible. Dewan Bahadur Rangachariar moved the following amendment: "that for the original resolution the following be substituted: 'this Assembly recommends to the Governor General in Council that he may be pleased to convene an All-India Conference of selected leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations to regulate the performance of religious festivals, rites and ceremonies of different communities in India.'" He regretted that circumstances should have compelled the House to discuss a resolution of this character and justified the conference he had suggested as the only means of solving the problems.

On the debate being resumed on the 1st September 1926, Lala Lajpat Rai moved that the discussion be adjourned *sine die*. He said that the state of feeling in the country rendered the discussion undesirable and even if the resolution was carried no legislation could be undertaken during the present session. Sir Hari Singh Gour and Sir Abdul Qaiyum opposed this amendment. The Home Member also opposed it because the speeches which had already been made called for some reply from Government. Lala Lajpat Rai's amendment was defeated without a division. Mr. K. Ahmad opposed Mr. Rangachariar's amendment because he felt that the leaders of the two communities having failed

to settle the differences, the conference asked for would serve no useful purpose. Dr. S. K. Datta recognised the importance of the resolution to minority communities but felt that it was not one which would justify him to give his vote. His view of the proposed conference was reflected in the truth, which had been driven home to him at the Unity Conference in Delhi, that the people were perfectly willing to distribute among themselves the benefits of the next world but not of this. To his mind, Muslims were suffering from economic unrest which was exploited for their own purposes by certain persons; and this was the cause of the riots with which religion had nothing whatever to do. Dr. Datta feared that the conference would never be a success unless there was the will to unite and he regretted that the Government of India had, for the last thirty or forty years, not exercised their moral leadership. Sir Denys Bray complimented the House on the restraint with which it had discussed the resolution and thereby shown the difficulty and gravity of the issues involved. Next to foreign aggression, nothing was as serious to the peace of the country as the menace of communal tension. He deplored the absence of the Swaraj Party which, he had thought, had something constructive to bring to their counsels on this matter. It was particularly lamentable that this party should have come back to the House for a material issue and should have turned away from an issue that touched the very spiritual being of India. Sir Denys said that Government had done much for the maintenance of law and order and had made a moral appeal to India on the degree of the response to which would depend the power of Government to give its moral lead. He referred to the manner in which the Indian family life was being robbed of its happiness by communal riots and he felt that therein lay the clue to the solution of a problem which oppressed them with its almost insoluble difficulty. Government could not cure the disease itself but they could only tackle the outward and visible signs of this inward and spiritual disgrace that was eating into the heart of India. "But the cure itself," said Sir Denys "must come not from without but from within." Mr. Dumasia blamed the leaders of the communities who, he said, were fighting to assert their own claim to leadership. Sir Alexander Muddiman said that if the Assembly had passed its whole period without discussing the greatest question which was then before India, students of its work must have condemned it. He regretted the comparatively thin attendance in the House and expressed his belief that those who were absent would, when they thought over the consequences of their action and the importance of the debate, regret their absence. In the earnestness of the speeches which had been delivered on the previous day he saw an augury of a better feeling between the communities. Examining the duties of the Government in regard to the question before the House the Home Member said "they are the primary duty of maintaining law and order and the equally important duty of bringing peace and conciliation between the two communities." The Government were not unmindful of the moral appeal. A remarkable exercise of the second duty had taken place in the speech of His Excellency the Viceroy at the Chelmsford Club where a moral appeal of the highest character had been made—an appeal which had been well received on all sides and had produced a very salutary effect. The second duty, the failure to fulfil which would render Government false to its own ideals and constitution, was illustrated in His Excellency's speech at the opening of the

Assembly. The policy of the Government of India was to maintain law and order and promote conciliation and the Home Member trusted that in that policy Government would have the entire support of the House. Sir Alexander showed that the Government of India, provincial governments and government officials all had their own special duties in their respective spheres; there was no short cut to peace; works and not words were what the present situation called for. The problem facing the Government of India was not new. In 1915 and 1924 efforts had been made by Government to ameliorate the communal situation. Their experience had led them to two conclusions, *viz.*, that wherever communal trouble occurred or was feared Government officers had made every effort to enlist non-official co-operation in checking it, and that the more localised the support they got the more effective it was. The Home Member referred to what he regarded as a new development in the communal disputes and as one of the greatest dangers and this was the tendency to treat a particular dispute regarding a particular place as a general question affecting all Hindus and Mohammadans throughout India. To his mind this was a most serious menace. Proceeding, he enquired where reform must begin, whether they were to influence the masses or to interest the leaders. Ex-hypothesi leaders were willing to compromise and there was no need to approach them. The people they had to get at were the masses and they could only be reached through the local officers, through whom they had always been reached and through whom they would still be reached. But in this connection the members of the Assembly could all do something by explaining to their more ignorant fellow countrymen what the present state of affairs meant and how necessary it was to put a stop to it. Coming to the resolution and the amendment, the Home Member felt that they were both very wide in their terms. The amendment asked for an enquiry of an inquisitorial character which would inevitably raise the disputes which they were all anxious to avoid. Moreover, unless the circumstances were such that all the communities were earnestly desirous of obtaining the best results the enquiry would serve no useful purpose. Further, it would be an enquiry which, if it succeeded, would require legislation which a Government composed on the lines of the Government of India could not possibly undertake. The adjustment of rights between the different religious bodies was a matter on which it was extremely difficult to legislate. The Home Member was satisfied that the amendment had been brought forward perfectly *bonda fide* and with every wish to assist Government but for the reasons he had explained he was unable to accept it. The causes of communal troubles lay deep, deeper than the material treatment of penal laws. "The cure for the disease which India is suffering from lies far deeper than that It is to be found in the words of His Excellency the Viceroy's speech to the Chelmsford Club." The Home Member felt that the debate would have served a very useful purpose even if it did not go much further. It had enabled the House to express its views on a very important question and had enabled the Government to show that it was neither unmindful nor neglectful of its duties in regard to it. Raja Ghazanfar Ali Khan believed that the masses were not hostile to each other but were instigated by certain so-called leaders for their own purposes. He favoured the conference proposed by Mr. Rangachariar because it would give His Excellency the Viceroy an opportunity to

intervene for the benefit of India. Colonel Crawford spoke of the anxiety of the European community for the restoration of communal peace in India, because on the solution of the Hindu-Muslim problem depended the measure and rapidity of India's constitutional advance. He would like the Government of India to bring the communities together and expressed his belief that the fight for political power was at the bottom of most of the trouble. He alleged that the present communal trouble was largely the outcome of the race hatred between Indians and Europeans which had previously been preached in certain quarters. He appealed to every member of the Assembly to help to create good will between the communities. He asked Government to take action, but could not say what form that action should take. Mr. K. C. Roy moved an amendment asking for an All-India Conference of leaders of public opinion and experienced officials to examine the present communal situation and make recommendations. He based his motion on the grounds that Government could not discharge their responsibility for maintaining law and order without settling this matter, that they could not without it discharge their obligation of preparing India for Self-Government and that they alone could settle the question with the help of the leaders. Sir Hari Singh Gour opposed the resolution as well as the amendments and argued that only further reforms could remedy the existing evils. Lala Lajpat Rai argued that in addition to the Hindus and the Muslims the Government was also a party to the quarrel and all three parties ought to get together and deal with the fundamentals of the situation. He attributed the present Hindu-Muslim quarrel to world causes and contended that at no period of history had the struggle for freedom been free from factions and quarrels. The only final solution for the present troubles was Swaraj. He referred appreciatively to His Excellency the Viceroy's speeches and said that while he himself would not insist too strongly on the responsibility of the system of communal electorates, before the larger political life of India could be realised that system would have to disappear. Dr. Macphail commented on the divisions in Hindu society and said that the growth of the nationalist spirit in India had been accompanied by the growth of what Germans called the "particular issue". Different communities and classes were trying to get advantages for themselves to the disregard of the larger claims of the nation. He did not approve of either the resolution or the amendments but suggested that the Home Member should bring some of the leaders of the communities together and see what could be done. Pandit Madan Mohan Malaviya was unable to support the resolution or the amendments. He agreed with Lala Lajpat Rai that the final solution of the communal trouble lay in the grant of full responsible government. He maintained that law and order had not been as well maintained as they used to be before the introduction of dyarchy and yet they were reserved subjects. He strongly condemned the mischief the riots had done but he deprecated any attempt at apportioning the blame. Mr. Malaviya thanked His Excellency the Viceroy for his speeches at the Chelmsford Club and at the opening of the Assembly, urged that the House should concern itself more with the future than with the past, and appealed for unity in an earnest endeavour to see what their duty was. He asked for the co-operation of all communities and endorsed the Home Member's suggestion that the members in their individual capacity should go to their constituencies.

ants and speak to them as they had spoken in the House. Sir Alexander Muddiman winding up the debate agreed with Pandit Madan Mohan Malaviya in his appeal for peace and compromise and remarked that his speech had reinforced his own argument that it was in the power of every member of the House to influence the people around him. He pointed out that the important religious festivals were no longer the only danger points and gave examples of trivial instances like the bolting of a Tonga pony in Delhi, which had caused inter-communal riots. He maintained that Government had discharged the duty of taking special precautions but riots arising out of trivial causes, such as he had mentioned could not be foreseen. He regretted that there had been so few practical suggestions advanced during the debate and that those who demanded action from the Government of India had not given any clue to what that action should be. The Home Member could not agree that the grant of immediate self-government would terminate all the communal disputes and emphatically denied that the Government of India were inclined to lie back in their arm chairs and say, "Well, we have done all we can". Proceeding, he said "you can no doubt by displays of armed force inspire awe in the inhabitants of a locality, and that at times it may unfortunately be necessary to do, but no civilised Government can regard that as a permanent method of administration." The Home Member did not desire to shut the door to any means which would enable them to deal with the communal trouble. But they had to consider that conferences required their own atmosphere; that those who proposed to confer must themselves be inclined to come to an agreement. "If, however, at any time they are prepared to put their heads together and come to Government," said the Home Member, "Government will give any proposals they have their most careful consideration. It is always open for individual suggestions to be made to us. But that is not going so far as to say that I commit myself to any of these resolutions or amendments, which as has been pointed out by various speakers, are extraordinarily wide in their scope and extremely vague in their terms." So far as the debate had gone it had done a good deal in the direction the Home Member had wished, but he asked the House not to attempt to tie Government down to any particular amendment or resolution. In view of the assurance the Home Member had given Messrs. Rangachariar and Roy withdrew the amendments they had moved and Mr. Muhammad Yakub withdrew his resolution. The debate was conducted throughout in an atmosphere free from passion and belied the fears which had been entertained as to its possible deleterious effect inside or outside the Assembly.

Closely connected with communal tension and invested with particular importance both because of this connection and the manner in which it was discussed in the Legislature was the Code of Criminal Procedure (Third Amendment) Bill, introduced and passed last session with which it will be more convenient to deal here than under legislation. On the 20th August 1926 the Home Member, introducing it in the Assembly, observed that the Government of India had discovered that the existing law to deal with the circulation of pamphlets or newspaper articles tending to promote mutual feelings of hostility between the communities was insufficient. It was undoubtedly that such writings were often a direct cause of outbursts of violence; but while it was possible under sections 108 of the Criminal Procedure Code and 153A of

the Indian Penal Code to take proceedings against individuals there were no effective powers to search for and confiscate copies of offending literature. The absence of these powers was a very serious handicap for the Government in preventing incitements to communal feelings and the Bill sought to amend section 99A of the Criminal Procedure Code so as to give power to search and confiscate all matter punishable under sections 153A and 124A of the Indian Penal Code. On the 25th August 1926 when the Home Member moved that the Bill be taken into consideration a lengthy debate followed. Mr. B. Das did not see any need for the Bill; Maulvi Muhammad Yakub supported the motion. Sir Hari Singh Gour complained that the Government were trying to re-enact the Press Laws of 1910 and were taking undue advantage of the passing phase of communal tension. He feared that the Bill, when passed, would be a standing menace to the liberty of the people; section 153A was difficult to understand and the Bill gave the police *carte blanche* to judge for themselves whether a particular newspaper, leaflet or pamphlet offended against the section. Mr. K. C. Roy moved an amendment to refer the Bill to Select Committee. Lala Lajpat Rai did not object to the principle of the Bill or to the motion to refer it to Select Committee but he regarded it as a very serious encroachment on the liberties of the people and liable to be used for the purpose of adding fuel to the fire instead of allaying it. He divided the measure into three parts: the confiscation of matter upon which there had been a finding by a Judicial Court under section 153A; the stopping of the circulation of matter for which a person was under trial; and the summary forfeiture of matter which had never come before a Judicial Court. He conceded that for the first two something might be said, and if the Government gave them time they would be glad to co-operate with them in finding suitable remedies. But the third provision gave wide powers to local Governments and the Police without any qualification and this was a serious matter. It might be used when something was said by Labour against Capital or *vice versa*. He felt that no case had been made out for passing the Bill in a great hurry without giving the people sufficient time fully to consider its provision and complained that the Home Member was taking advantage of the voting strength of the House. Mr. C. A. H. Townsend referred to the anxiety and the worry from which the district officers in Northern India suffered owing to the communal tension. To Mr. Dumasia the urgency of the measure, which also had the support of Colonel Crawford, was evident. Dewan Bahadur T. Rangachariar supported Mr. Roy's amendment. He recognised that preventive action was needed in the cases contemplated in the Bill much more than in cases of sedition but he urged that the language used in the Bill was wider than that of section 153A. The matter was one which required to be carefully considered. Mr. K. C. Neogy also supported the motion. Pandit Sham Lal Nehru suggested that Government should withdraw the Bill and bring it up later on with very drastic penalties for communal offences which must, however, be inflicted only after conviction, and he would support such a Bill with the greatest pleasure. Raja Ghazanfar Ali Khan supported the Bill but had no objection to the amendment. Khan Bahadur A. Rahman urged that the Bill should be passed without reference to Select Committee. Colonel Gidney also supported the Bill. Sir Sivaswamy Aiyer supported the principle of the Bill and pointed out

that the powers would not be liable to abuse because their exercise was not left to the executive uncontrolled by any judicial authority. Pandit Madan Mohan Malaviya acknowledged that the Home Member had been prompted by the best of motives in bringing up the Bill and said that if the leaders on both sides had done their duty much of the misery borne by the innocent people would have been avoided. He urged the need for caution in dealing with the Bill; and while he was entirely in favour of the principle he thought that in view of the importance of the measure it should receive much greater consideration. Mr. Jinnah was convinced of the existence of the mischief and of the need for eradicating it. The Government were, to his mind, justified in bringing up the Bill but the crisis which had arisen did not justify the measure being put permanently on the Statute Book. Mr. T. G. Jones in supporting the Bill remarked that liberty was very fine in the abstract, but if it was abused it must be curbed. Mr. K. Ahmad advised the House as a body to support the Bill. Sir Alexander Muddiman controvected Sir Hari Singh Gour's description of the Bill and pointed out that powers would be vested not in the police but in the local governments. He quoted from reports from the Governments of Bengal and the Punjab to show the necessity for legislation. The principle of the Bill, he said, was that as section 124A was implemented by section 99A, so section 153A should be implemented by an addition to that section. If that principle was watered down it would be useless to proceed with the Bill. The Home Member was aware that the Bill was not a complete solution to the legal and other difficulties to which the communal tension had given rise but it was a step which the House should take at once. And once the principle of the Bill was accepted, the Home Member failed to see what need there was to go to Select Committee. Dealing with the suggestion that the Bill should be a temporary measure Sir Alexander remarked that he had brought it forward to stop a definite leak in the law the existence of which had contributed very seriously to the communal trouble that had arisen. The lack of that power had had a cumulative effect, in consequence of which the communal situation had definitely and progressively deteriorated. There would always be the danger that unless the power was given the law would remain defective in that it would not enable the Government to take the precautionary measures which were essential for controlling the issue of objectionable literature. Therefore, the Home Member could not, on behalf of the Government, accept any amendment which would limit the period of duration of the Bill. Coming to the objection that Clause 2 of the Bill differed from the wording of section 153A the Home Member maintained that there was nothing in it because it would be impossible, in view of the drafting of section 99A to incorporate in exactly the same terms the words of section 153A. The Home Member denied that he was invoking the Government majority to check a reasonable desire for Select Committee and he referred to his record in the House. "In these matters I do what I consider to be my duty", said the Home Member, "if I was single and had no vote to support me I should bring in this Bill and insist on the House considering it, though I might be well aware that it would be thrown out on the first reading. It is not a question of political tactics I bring it in because in my judgment it is a very necessary and urgent Bill and, therefore, in dealing with this

question of reference to Select Committee I do want the House to believe that I do not oppose it out of any desire to use the power that I have or may have; I oppose it on the ground that it is unnecessary and undesirable". The motion to refer the Bill to Select Committee was negatived by 50 votes against 25 and the Bill was taken into consideration on the 26th August 1926. Clauses 2, 3, 4 and 5 were passed without any discussion and the Home Member accepted a verbal amendment moved by Mr. Rangachariar to Clause 2. To Clause 1 Mr. Rangachariar moved an amendment with a view to limiting the duration of the measure to two years. He was supported by Sir Hari Singh Gour, Mr. K. Rama Aiyangar and Lala Lajpat Rai. The Home Member gratefully recognised the tone in which the House had discussed the Bill but he expressed his inability to accept the amendment. The Bill had been brought forward to stop a permanent loophole in the law and not as a panicky measure. Until 1922 Government had had the power of confiscation which was taken away by the amendment of that year. He had been unable to find anything to show that the Government had ever intended to abandon this power and he was unable to say why the Government point of view had not been put forward during the amendment of 1922. He could understand those who regarded the power as wrong and refused to give it to Government but he could not understand how those who were prepared to grant the power for two years and therefore recognised its necessity as a permanent part of the law could object to their removing a distinct loophole in the law. The amendment was lost by 48 votes against 19 and the motion "that the Bill be passed" was carried without a division though not without discussion. It was supported by Dewan Bahadur Rangachariar, Khan Bahadur Sayid Muhammad Ismail, Mr. K. C. Roy, Maulvi Muhammad Yakub and Sir Darcy Lindsay. Sir Purshotamdas Thakurdas was not opposed to the Bill but complained that the absence of the Swarajists had strengthened the hands of the Government which had refused to pay any attention to the suggestions of the non-officials. To his mind the lesson of the debate was that whomsoever the country returned to the legislatures they must be men with a sense of self-respect who would sink their differences or settle them between themselves. Mr. B. Das hoped that under the Bill Anglo-Indian publicists would be treated in the same way as Indian publicists. Sir Hari Singh Gour spoke of the abject impotence of the House in the absence of the Swarajists who had deserted it at the most critical period of the Assembly's life. The Home Member remarked that he had for sometime suffered from the tyranny of the majority but he was beginning to think that the tyranny of a minority might be worse. He had always endeavoured to meet the wishes of the House which were compatible with the discharge of his duties; and it was hard that because he happened to have a majority behind him and in spite of the fact that there were many non-officials who had been convinced by his reasoning, he should be charged with the brutal neglect of non-official opinion. "I repudiate the suggestion, Sir," said the Home Member, "the only other observation I have to make is that I do trust that all caution and all care will be used in working this Bill as any other measure. You cannot, however, legislate to make legislation fool-proof any more than you can make Judges incapable of error or financiers incapable of mistakes."

On the 31st August 1926 the Bill was taken up in the Council of State. Sir Sankaran Nair recognised the gravity of the situation and remarked that if the provisions of the Bill had not interfered with liberty of speech, he would have had no hesitation in supporting it even though they might have been more drastic. He did not like to throw any obstacles in the way of the Bill and in view of the state of things prevailing in the country he accorded his full support to the measure which also had the support of Mr. D. Weston and Sir Pheroze Sethna though the last named did not favour the permanent retention of the measure on the Statute Book. Sir Maneckji Dadabhoj saw nothing in the provisions of the Bill to justify the apprehensions of its opponents. Mr. A. M. Stow relied on his recent experience of Delhi in support of the Bill. Colonel Sir Umar Hayat Khan, Sayid Alay Nabi and Sir Dinshaw Wacha also supported the Bill. Mr. V. Ramdas Pantulu moved an amendment similar to that of Mr. Rangachariar limiting the life of the measure to two years. Sir Alexander Muddiman denied that the Bill conferred powers on the lower officers of the Police and referred to the restrictions with which the Bill was hedged round. He asked the House to bear in mind that everybody's rights were necessarily limited by the rights of others and remarked that the Bill was less drastic in its provisions than the proposal (which had been made by Sir Tej Bahadur Sapru and supported by Pandit Moti Lal Nehru) to deprive a whole constituency of the franchise. Syed Raza Ali also opposed the amendment which was negatived by 30 votes against 8. The Bill itself was passed without a division.

A topic even more important than the political and constitutional matters which generally engage the attention of the Legislature formed the subject of a resolution in the Assembly on the 19th August 1926 and in the Council of State on the 25th August 1926 when the report of the Taxation Enquiry Committee came up. To implement the promise he had made, that before any action on the report of the Committee was taken, the House would be given a full opportunity of discussion the Finance Member moved the following resolution :—“this Assembly recommends to the Governor General in Council that he be pleased to take into consideration the report of the Indian Taxation Enquiry Committee.” At the outset he announced that Government had no intention of announcing decisions, provisional or otherwise, on the report as a whole, or even, except incidentally in regard to a few minor points, on any of the detailed recommendations of the Committee. The report and its accompanying volumes presented a picture of Indian Taxation as it existed, traced the genesis and history of different forms of taxation, examined the effects of particular taxes, brought out the general tendencies of recent taxation, offered criticisms and suggestions and, in a word, provided a general guide to the study of Indian taxation. It would constitute a mine of information for the Central and Provincial Governments and their legislatures. The recommendations and suggestions had to be discussed with the Provincial Governments with whom, in many cases, the decision would rest entirely and the Government of India could not announce a definite decision on most of them. Proceeding, Sir Basil Blackett remarked that it was human to regard all taxation as robbery; that each individual regarded it as a grievance that his money was taken away from him for Government purposes and felt confident that he could spend his money better for himself than any Government

could spend it for him. It had been one of the hopes of those responsible for the reforms that a Government acting with a legislature which had a majority of elected representatives of the people would be better placed for undertaking social activities, for raising and spending money on beneficent governmental measures, such as, education, sanitation, etc., than the Governments of pre-Reform days. To some extent these hopes were being realised, particularly in the provinces which had secured a reduction of their provincial contributions. In these circumstances the policy and the machinery of taxation in India became matters of supreme importance. "I do not mean to imply", said the Finance Member "that additional taxation will be immediately necessary or desirable; on the contrary, for the time being, as we get further away from the war upheaval, I look forward to the day when with the early extinction of the whole of the provincial contributions and with some improvements introduced into the Meston Settlement which will give greater elasticity to provincial revenues, the provinces will be able, without extra taxation, to carry out many of the plans on which progressive Ministers have set their hearts for ameliorating the lot of their peoples, and the Central Government may be able to assist them in the best way open to it by carrying further that relief of the burden of the Central tax-payer already happily begun in the reduction of the Salt Tax and the abolition of the Cotton Excise Duty not to mention the reduction of Railway tariffs all of which have been secured during the lifetime of this Assembly". But before tax reduction became possible it was the duty of the Government to find out whether adjustment of existing taxation was not possible which would give the Government the present revenue in a more economical way—a way which would reduce the true cost of the sacrifice the tax-payer was called upon to make. "And when the opportunity for tax reduction really comes, we want to be able to choose the right taxes to reduce and to effect reductions in the way most beneficial to the community".

The Report brought out in a striking way the changes the last ten or twelve years had introduced into the taxation system of India. In 1913-14, of the total tax revenue (including land revenue) 35·42 per cent. came from land revenue, 12·99 per cent. from customs and 3·52 per cent. from taxes on income. Approximately, the figures for 1923-24 showed, land revenue was 20·75 per cent., customs 24·30 per cent. and taxes of income 12·30 per cent. The war and its aftermath had led to a large increase in taxation in India as well as in other countries. Taking into account all the tax revenue, including land revenue of the Central and Provincial Governments, the distribution per head as between the cultivator and non-cultivator on certain hypothetical assumptions was as follows:—in 1902-03 the cultivator paid Rs. 2·10 and the non-cultivator Rs. 1·8. In 1913-14 the cultivator paid Rs. 3·1 and the non-cultivator Rs. 2·5. In 1922-23 the cultivator paid Rs. 4·12 and the non-cultivator Rs. 6·5. As the prices in Calcutta had risen from 100 in 1914 to 180 in 1922 the increase in total taxation per head at the end of 1922-23 was largely accounted for by the fall in the value of money, and it was doubtful whether the real burden on the cultivator was any higher in 1922-23 than in 1913-14. Since the introduction of the reforms land revenue had ceased to be an important contributory to Central Revenues. The Central Budget was fed mainly by customs, taxes on income and salt. In 1926-27 Central taxation was estimated

to produce a total revenue of 74·4 crores of which 62·4 per cent. would come from customs, 23·0 per cent. from income-tax and 9·3 per cent. from salt. The proportion which they bore to the total revenue was a matter of some concern and the Finance Member agreed with the Taxation Enquiry Committee in thinking that it would be preferable if direct taxation contributed a larger share of the total tax revenue. The Committee had made important suggestions for improving the yield from taxes on income which it would be necessary for the Government and the Legislature to examine together. Recent developments had greatly modified the problem of producing a Central Budget since the days when it had been described as "a gamble in rain". The ways and means figures were still very much dependent on the monsoon but generally speaking so far as the Central Budget was concerned it was the following year and not the year to which it related that would be seriously disturbed by a bad monsoon. This was a considerable gain and the Finance Member thought that it would be wise if they considered in time how best to maintain and improve on the advantages they had secured. The item most dependent on the monsoon was customs and they must be careful not to rely too much on the proceeds of customs duty.

Sir Basil did not deal in detail with the recommendations of the Committee in regard to Customs but he expressed his disappointment at their having, to some extent, gone back on the views of the Fiscal Commission on Export duties and in particular on the undesirability of using export duties for protective purposes. He also thought that the Committee had tended to lay undue stress in regard to customs duty generally on the question of incidence and too little stress on the economic effects of particular duties. This was a subject which would require the attention of the Central and Provincial Governments as well as their legislatures.

In accordance with the Committee's recommendation the Government had appointed an officer to make an expert examination of the whole subject of the production and distribution of salt in India which would prepare the way for considering whether there was a *prima facie* case for approaching the Tariff Board with a view to the protection of Indian salt.

A large portion of the Committee's report dealt with land revenue in regard to which the primary responsibility rested on the Provincial Governments and their legislatures to whom the examination of these proposals and views must be left.

Before 1921 Provincial Settlements in India had been periodical and in some respects the settlement which accompanied the introduction of the Reforms represented a natural and historical evolution of processes which had been in operation before 1921. But the Reforms meant a complete break with the past and the introduction of a revolutionary change in the Fiscal relations between the Central Government and the Provinces. The Reforms had changed the Provincial Governments into separate governments forming constituent parts of an Indian Commonwealth whose federal functions were entrusted to a Central Government. The Reforms had, in a word, introduced India to all the problems of federal finance the right solution of which was of paramount importance if India was to develop along the lines of responsible government.

If each authority was to be free to develop its own sphere, general principles must be arrived at to prevent encroaching or overlapping. There could be no proper development of self-government in a province, a municipality or a district Board unless the line of demarcation was clearly drawn and intervention by the superior authority was rendered unnecessary by clear rules limiting the powers of subordinate authorities to encroach on the superior authorities' sphere of taxation. Equally the Central Government must take care not to encroach on the powers of the Provincial Governments and local authorities. The Meston Settlement was the lineal successor of the pre-Reform Provincial Settlements, but it was of a different kind. It was intended to be definitive and though minor improvements could be introduced from time to time, it was not a Provincial Settlement to be revised periodically with reference to the growth of revenue and expenditure in each Province. A contrary view of the Meston Settlement would render Provincial autonomy impossible. "If we are to approach the question of improving the Meston Settlement with any reasonable hope of success," said the Finance Member, "we must begin with the proposition that the Meston Settlement is the only possible starting point and that our object is to amend it and not to replace it." The Government of India had come to no conclusions regarding the improvement of the Meston Settlement but the Finance Member envisaged the lines which amendment should follow. The most important suggestions of the Committee in this connection were those for adding elasticity to provincial finance by giving the Provinces a larger share in the proceeds of taxes on income and for taking back non-judicial stamps for the Central Government. There were many arguments in favour of the latter proposal but the Finance Member was inclined to think that the efforts to find balancing factors by transferring other taxes to or from Provincial Governments was a will-o'-the wisp and some other solution must be found. The Central Government could not possibly surrender altogether the taxation of income to the provinces and must retain the monopoly of the right to impose income taxes; but there were strong arguments for giving the Provinces a share of the proceeds. In the case of most of the Provinces the amount surrendered in the transfer of the non-judicial stamps to the Central Government would be larger than the additional revenue they would secure by an increased share of income-tax. The Finance Member pointed out that amendments to the existing settlements could not be introduced until the Provincial contributions had been extinguished, but there was no reason why an agreement might not meanwhile be arrived at as to what those amendments should be. Some reduction of Central taxation, as soon as the Provincial contributions had been cleared away, was obviously desirable not only in relief of the taxpayers but also in order that there might be a margin for an emergency. The Provinces, on the other hand, must accept that their development was in their own hands: there was a large field of taxation reserved for them; and they would find many suggestions of the Taxation Committee of great value. In some cases an enabling Act by the Central Legislature might be necessary as a preliminary, but it would be for the Provinces to decide how far it was desirable to explore new methods of taxation. It would also be for the Provincial Governments to remedy a serious defect which the Taxation Committee had brought to light, viz., the undue reliance of Municipalities and District Boards on subven-

tions from provincial revenues. The development of local taxation and local expenditure was of special importance if that extension of education and sanitation throughout the country, which was so earnestly demanded, was to be brought within the range of practical politics.

The sciences of taxation and governmental expenditure required to be carefully distinguished. In considering questions of taxation the object was to raise the amount of revenue required at the least possible economic cost to the tax-payer. Provided that the taxation system was reasonably scientific, the proportion of the national income which could be wisely taken in taxation depended very largely on the nature of the expenditure to which the Government applied the money. For every government there must be a minimum of absolutely unavoidable expenditure but over and above that there was a vast amount of optional expenditure which in India included most of the so-called nation building services. The amount which must be raised in taxation depended, therefore, on expenditure policy; and in considering expenditure it was essential to remember that for every rupee of expenditure a rupee of income must be provided and presumably by taxation. Whether the expenditure could be wisely incurred or not depended on the benefit which might be expected to result to the people as a whole as compared with the benefit of some competitive expenditure or with the benefit of avoiding the extra expenditure altogether. "For us in India," said the Finance Member, "the years that are coming offer immense opportunities of social development. While the Central Government in the absence of some emergency may hope before long to be able to take up the question of reducing taxation, the problem for the Provincial Governments will be not so much whether taxation would be reduced as whether its administration can be improved and its incidence better adjusted, in order that new expenditure may be wisely undertaken as soon as means can be made available." The taxation system was one of the foundations on which they must build; and with the Taxation Committee's report as a guide to the study of taxation policy they would surely build the better.

Sir Sivaswamy Aiyer regarded the resolution as an innovation and thought that it would be very unwise for the Assembly to commit itself in any way to any expression of opinion on the recommendations of the Taxation Committee. He associated himself with the tribute which had been paid to the work of the Committee but he did not think that the Governor General in Council required any invitation from the Assembly to consider the report. He also considered it premature for the assembly to express any opinion until it knew what additional expenditure had to be incurred and for what purposes. Moreover, the discussion would not be of any value because there were so many proposals for taxation, some of which might appeal to some members and others might appeal to others; and this diversity of opinion might be construed by the Government into an indication of the soundness of the proposals. He further feared that any expression of approval on their part might arm the Government with a very extensive power which was only too liable to be abused. Under the Statute non-officials had no responsibility for any constructive proposals for taxation and therefore they could not be reproached for leaving it to the Executive Government to bring forward such measures of taxation as after careful

consideration, they decided upon. Sir Hari Singh Gour felt that within the limited scope of the enquiry which had been conducted by the Committee it was impossible for his side of the House to suggest any means of taxation upon the lines of the resolution. Dewan Bahadur T. Rangachariar said that in the absence of a large number of the representatives of the people it would not be right to offer criticisms on important proposals, and he moved "that consideration of this debate be adjourned *sine die*." Sir Walter Willson opposed the adjournment but Mr. K. C. Roy supported it. Sir Basil Blackett remarked that Government were not infrequently charged with coming to their conclusions first and consulting the House afterwards. On the present occasion, when Government had tried another method of progression, they were asked that the discussion be adjourned *sine die* presumably with the idea that at a later stage some similar debate would take place on the Report. It was always difficult to discuss a motion which did not formulate conclusions and the Government had no desire to force the House to discuss the subject if it did not wish to do so. He had explained that it was not possible on a report like that of the Taxation Enquiry Committee to come to a final conclusion and to ask the House either to accept it or to reject it; and he doubted whether anybody could successfully frame a satisfactory resolution of that sort. He was nevertheless prepared to consider whether in the course of 1927 opportunity could be given for discussing some resolution of the kind suggested if it had considerable support in the House and it was the desire of a considerable number of members that such a resolution should be discussed. So far as the motion for adjournment was concerned, the Finance Member announced that Government would not vote against it. Mr. M. A. Jinnah did not know what the resolution meant though he appreciated the intention behind it. He understood that no definite amendment could possibly be moved having regard to the form of the resolution; and therefore each individual member could only air his own view which would be hardly of any use to Government. Pandit Madan Mohan Malaviya urged that the regular procedure which had been followed when Commissions and Committees had submitted their reports should also be followed in connection with the Report of the Taxation Enquiry Committee. Sir Alexander Muddiman pointed out that the Report had been issued in February 1926 and it could not be said that no opportunity had been given for amendments enunciating the taxation policy. He was unable to promise a future date or to bring forward a definite resolution: but if there was a group in the House which desired to bring forward a definite resolution dealing with matters arising out of the report and there was a general feeling in the House that it would like to discuss it, the Home Member was prepared to give assistance in procuring a day at some convenient time next year. Mr. K. Rama Aiyangar advised Mr. Rangachariar to withdraw the motion for adjournment but Mr. K. C. Neogy thought that the statement made by the Home Member ought to satisfy the House. Dr. E. M. Macphail argued that the procedure they were following was not as irregular as some members thought it to be. The motion for adjournment was adopted without a division.

On the 25th August 1926, Mr. J. E. C. Jukes moved in the Council of State the identical resolution which the Finance Member had placed before the Assembly. Dr. U. Rama Rau moved that the discussion of

the report be adjourned till the next session of the Council. He urged that until the Government came out with definite proposals the discussion would be nothing but academic. Sir Arthur Froom regarded the motion for adjournment as entirely irregular and opposed it. Mr. P. C. Desika Chari considered Dr. Rama Rau's reasons as very convincing. Sir C. Sankaran Nair felt that the arguments against discussion would apply equally next session and to his mind it would not be right to adjourn the debate. When Government made any proposal for taxation members could only make destructive criticisms and they should not throw away the opportunity the Government were giving them of making constructive proposals. The motion for adjournment was also opposed by Mr. J. W. A. Bell and Mr. Maumohandas Ramji, while it was supported by Colonel Nawab Sir Umar Hayat Khan, Sirdar Shivdev Singh Oberoi and Sir Maneckji Dadabhoy. Mr. J. E. C. Jukes stated that though the Government were most anxious to secure constructive suggestions from the Council they were prepared to leave it to the House whether the resolution should be adjourned or not. But he wanted to make it clear that Government would not be prepared to give another day in a later session for a full discussion of the complete report, though they would be willing to give effect to the promise which had been made to the Assembly. The motion for adjournment was put to the vote and carried by 24 votes against 9.

It will be convenient here to mention that Sir Ebrahim Haroon Jaffer's resolution regarding Indian Banking, discussion of which had been adjourned on the 10th March 1926 came up before the Council of State on the 23rd August 1926. Sir Ebrahim stated that he had gathered from Mr. Jukes that the Report of the Committee, which Mr. McWatters had mentioned, was under the consideration of the Government of India. Mr. Jukes was willing to accept the resolution on the conditions that if the enquiries then in progress and about to be undertaken did not provide sufficient material for a decision as to the desirability of Banking Legislation, Government would be prepared to institute further enquiries. The resolution was adopted in the following form: "that this Council recommends to the Governor General in Council that he may be pleased to order an enquiry into the question of the desirability of legislating with a view to place Indian Banking on a sound footing."

Sir Ebrahim Haroon Jaffer was also responsible for a resolution regarding the co-operative movement in India which he moved in the Council of State on the 18th August 1926 in the following terms:—"this Council recommends to the Governor General in Council that an inquiry should be made into the development and the present position of the co-operative movement in India with a view to ascertain in what direction expansion and improvement are necessary." Sir Mohammad Habibullah pointed out that co-operation was an entirely provincial transferred subject. The joint Parliamentary Committee had laid down that over transferred subjects the control of the Governor General in Council should be restricted in future to the powers of superintendence, direction and control for the purpose of safe-guarding the administration of Central subjects, deciding questions arising between two provinces, safeguarding Imperial interests, and determining the position of the Government of India in respect of questions arising between India

and other parts of the British Empire. The Co-operative Movement had its own peculiar difficulties, but nothing had happened to justify interference on the part of the Central Government within the terms of the rule just mentioned. Nor was there any necessity for enquiry because in the Provinces, during the last few years, results had been brought about which staggered imagination. The number of Co-operative Banks, of Co-operative Societies and of Members had risen. The capital of the societies which in the year of Reforms was rupees 2,60,55,000 now stood at Rs. 7,11,67,000. Did not the progress made in the Co-operative movement call for congratulations to the Ministers in charge, their officers and those non-officials who had helped in achieving such satisfactory results? This was not a question in which the Government of India could interfere or take the initiative. Sir Umar Hayat Khan asked the House to support the underlying principle of the resolution and Rai Bahadur Lala Ram Sarandas wanted to move an amendment which the President thought would make a radical change in the scope of the resolution and therefore could not be allowed. Having regard to the improvement which had taken place between 1919 and 1924, Saiyid Raza Ali saw hardly any scope for the resolution. The mover, by leave of the Council, withdrew the resolution.

The interest of the Legislature in Government employees of all classes has been amply noticed in previous numbers of this publication. It was not, therefore, surprising that the Council of State discussed the pay of the Ministerial establishment of the Madras Custom House and the abolition of the Piece-work system in the Government of India Presses. On the 18th August 1926, Mr. P. C. Desika Chari moved a resolution recommending that the Ministerial establishment of the Madras Custom House be granted the same scale of pay as the ministerial staff in the Bombay and Calcutta Custom Houses, or, in the alternative, the same scale of pay as the ministerial staff of the Accountant General's Office, Madras, or other ministerial departments in Madras under the direct control of the Government of India. Mr. J. E. C. Jukes pointed out that the pay of this establishment had been revised last year and considerable improvement had been given. The Central Board of Revenue, after very careful examination, had laid down the principle that the rates of pay should be similar to those given to similar grades of clerical labour by the local Government within whose territories the staffs were serving and Government could not abandon this principle. Government were not prepared to accept that the cost of living in Madras was as great as in Bombay or Calcutta and they felt that provided they gave a reasonable living wage, they must in justice to the tax-payer refuse to raise the rates above the level which sufficed to attract the class of candidates required. As a test of minimum wage, common prudence dictated that they should accept the figures adopted by the local Government. Moreover it would be the height of folly to enter upon a competition with the local Government by attempting to outbid it and fixing higher rates of pay. As regards the mover's second alternative, the Government were doing exactly what he had asked them to do because the rates of pay of the Customs staff were practically identical with those of the Income-Tax and Salt establishments which were under the direct control of the Government of India. Mr. Jukes could not consent to the other alternative because

a far higher standard of education was required for the office of the Accountant General which performed very different duties and shouldered higher responsibilities. Syed Mohammad Padshah Sahib Bahadur saw no justification for Mr. Jukes' attitude and Colonel Sir Umar Hayat Khan said that he would both support and oppose the resolution. The motion was negatived without a division.

On the 23rd August 1926 Srijut Lokenath Mukherjee moved in the Council of State that the Piece-work system in the Government of India Presses be abolished at an early date or, in the alternative, a committee of officials and non-officials be appointed to enquire into the grievances of the Press employees and to suggest remedies. Mr. A. H. Ley pointed out that the recommendations of the Piece-Worker's Committee, 1922, had all been accepted with two small exceptions relating to two minor matters. As regards the institution of the Provident Fund Government had accepted the proposal but as the matter was merged in the general question of a State Provident Fund which was under discussion with the Secretary of State there would be some delay before it was introduced. But it had been accepted that the arrangements, when introduced, would be applied to Piece-Workers in the Government of India Presses with retrospective effect from the 15th July 1920, the date of the resolution revising the piece-rates. The question of the abolition of the piece-work system had only recently been examined by a committee appointed by the Bengal Government which had endorsed in their entirety the conclusions of the committee the Government of India had appointed in 1922. The system itself was universal in most industries in the country and its basis was that the worker got the full benefit of his work and the employer the best value for his money. On the whole the system was the best in the interests of the worker and the employer and Mr. Ley gave figures to show that the piece-workers in the Government of India Presses were extraordinarily well off. He was unable to understand precisely what the grievances were and what real feeling of discontent there was because Government had received practically no complaints from the actual workers who were perfectly contented. Saiyed Mohamed Padshah Sahib Bahadur maintained that the piece-worker was still ill-provided for and had no certainty of work or wages. Rai Bahadur Nalini Nath Sett also supported the resolution. Sir Maneckji Dadabhoy thought that after the statement made by Mr. Ley it would be useless to prolong the discussion and Nawab Sir Umar Hayat Khan also opposed the resolution which, when put to the vote, was lost by 28 votes against 18.

Though the occasions are not frequent, the Legislature does not eschew resolutions of a religious character. During the Delhi session 1925 the sanctity of the Ganges water at and below Narora had been responsible for a resolution in the Council of State and during the last session the convenience of the pilgrims to Rameswaram led Mr. K. Rama Aiyanagar to move the following resolution in the Assembly on the 24th August 1926 :—“ This Assembly recommends to the Governor General in Council that the Railway Board and the South Indian Railway be directed to retain the present Rameswaram station as such even if the new alignment is adopted and that protective embankments be put up south of the line to ensure the safety of the line.” Mr. K. Ahmad opposed the resolution. Sir Charles Innes explained that the resolution concerned the line from Pamban to Dhanushkodi on Pamban

Island. In the South West monsoon there were very high winds and no rain, and the high winds carried the sand in a north-easterly direction. Ever since the line had been made they had had the greatest difficulty with the sand dunes. The problem was very difficult and technical. The sand had attacked mainly on two sections of the line, each about a thousand feet long, and the section where the sand dune was in operation had already had to be diverted three times and could not be diverted any more. They had, therefore, been forced to the conclusion that if they wanted to save the line at all, they must divert it altogether. The expenditure on clearing the sand last year had amounted to Rs. 20,000 or Rs. 25,000 and the danger was that whatever they might do the sand dunes might still advance till they were right on the top of the line. The only possible course, therefore, was to divert the line south of the sand dunes. He recognised that the new station, which would be three and a half miles away from the temple, would be a source of inconvenience to the pilgrims but they had been compelled to adopt this course owing to forces beyond their control. Enquiries had been made whether a siding could not be run from the new station to the old but they had been informed that with the sand dunes it was impossible. Dealing with the suggestion that they should make a road, the Commerce Member pointed out that there was already a road and what was required was a connection of about a mile between the existing road and the new station and he had no doubt that the District Board would make it. Sir Charles was unable to give a pledge that the Railway would make this connection because under the devolution rules Central Revenues could contribute only to roads of military importance. Moreover they had to consider very carefully before they could spend Railway funds, on making roads. "We are quite prepared to go into the matter," said the Commerce Member, "and if there is anything we can do to alleviate the inconvenience caused to pilgrims.....we will be only too glad to do so." To Sir Purshotamdas Thakurdas every consideration except the one of the necessities of devout Hindus was of comparatively minor importance and he urged that precautions should be taken that those who resorted to Rameswaram should not be put to any greater inconvenience than they at present were. Khan Bahadur W. M. Hassanally, Maulvi Mohammad Yakub, Sir Darcy Lindsay and Mr. K. C. Neogy also supported the resolution. Sir Charles Innes himself disliked the diversion very much but he did not think that after all there was much force in the complaint regarding the inconvenience to the pilgrims who made long trips, like that from Hardwar to Badrinath. He repeated that it was not possible to make a siding to the existing station and that constitutional and other difficulties stood in the way of the Railway making roads. The Railway Board would do what they could and would consult the South Indian Railway in order to remedy the inconvenience; beyond that the Commerce Member was unable to go. The resolution was put to the vote and negatived by 33 votes against 32.

Supplementary Grants.

On the 31st August 1926 demands for Supplementary Grants came up before the Assembly. In all, five demands amounting to Rs. 10,97,000 in the aggregate were made and they were all agreed to. The only

demand which was subjected to discussion was for a sum not exceeding Rs. 5,00,000 for a loan to the Imperial Gymkhana Club, Delhi. Sir Sivaswamy Aiyer took exception to this proposal because of what he called a "suspicious statement" in the notes of the Standing Finance Committee which to his mind implied that the Government of India would continue to be located in Simla for six or seven months in the year; because the Club would not be of much use to Indian officials; and because he feared that the 75 per cent. of the quarters the club proposed to be earmarked for Government officials would not be equally available to Indians and other non-officials. Sir Hari Singh Gour and Dewan Bahadur T. Rangachariar also opposed the grant. Sir Walter Willson explained that the proposal had the support of the Standing Finance Committee which had very carefully considered the matter. Sir Bhupendra Nath Mitra pointed out that it was not unusual for the Government to grant loans of the nature contemplated in the Demand. He assured the House that there was nothing in the grant of this loan to justify the implication to which Sir Sivaswamy Aiyer had referred. The period for which the Government of India were to stay in Delhi was a matter which would have to be decided quite irrespective of the proposition under discussion. Indians were certainly allowed to become members of the Gymkhana Club, and it was wrong to say that the Club refused Indians. The Member for Industries and Labour added that if the Chelmsford Club asked for similar concession the matter would receive the careful consideration of Government. He also defended the loan on the ground that the Club proposed to build quarters which would be available for officials and explained how, in the absence of such quarters, Government would have to incur the expenditure of a lakh and a half for building such quarters without any prospect of getting an adequate return. Mr. K. Rama Aiyangar opposed the demand and so did Maulvi Mohammad Yakub, who urged an additional objection that the Demand could not in any sense be described as one for a Supplementary Grant. Mr. K. C. Neogy quoted from the report of the Standing Finance Committee to show that the assets in regard to the scheme of the Club were practically negligible; he did not regard the proposal regarding the quarters as at all attractive; and he saw no reason why a Government which had spent about 13 crores on new Delhi should trouble itself about an expenditure of a lakh and a half on the quarters. Sir Basil Blackett explained that he had agreed to the loan because of financial considerations and in the interests of the Indian tax-payer. There would be a very severe shortage of quarters and Government were faced with the necessity of spending over two lakhs on quarters instead of lending five lakhs which was recoverable with interest. The financial arguments were, therefore, clearly in favour of the proposal. The Club was open not only to Europeans but to Indians; on no occasion had an Indian been refused for membership by the Club; and the authorities of the Club would obviously not make themselves responsible for principal and interest amounting to Rs. 30,000 a year unless they had some security for the future, and in view of the gradual Indianization of the Secretariat the Club could not count on such security if they closed their door against Indians. Answering Mr. Mohamad Yakub's objection, the Finance Member said that it overlooked the fact that there was no proposal to spend money above what had originally been intended; the grant had come before the

Assembly not because there would be expenditure in excess of that provided in the Budget but because, being of a rather special character, the Finance Department had insisted that the proposal should be discussed by the House before effect was given to it. Coming to the question of security, Sir Basil said that Government would have a complete mortgage over the Club buildings and they were free-holders of the ground. Government would be getting a return of 5 per cent. interest *plus* 1 per cent. amortization and the rate of interest was higher than they paid for borrowing money in the market. A division was challenged but the Demand for Grant was agreed to by 42 votes against 16.

Legislation.

Appendix I will show the Acts passed by both Chambers of the Indian Legislature during the last session, Appendix II the Bills which were pending before the Assembly and have lapsed and Appendix III the bills which were pending before the Council of State. Some of the important Bills might be briefly noticed here. In the Assembly no new Bills were introduced by non-officials and those which were pending remained at the stages at which they had been left in the Delhi Session.

Several official Bills were passed to give effect to certain recommendations of the Civil Justice Committee. One of these, the Indian Evidence (Amendment) Bill provides that if the document is registered it would not be necessary to call an attesting witness unless the attestation or the execution is expressly denied. Another, the Administrator General's (Amendment) Bill, modifying the recommendations of the Civil Justice Committee, enacts that if a person leaves assets to the value of Rs. 2,000 or less, it would not be necessary for the claimant to go to Court and take out letters of administration or succession, but he can go to the Administrator General, get his certificate and thereafter collect the assets. The Hindu Family Transactions Bill, which was introduced in the Council of State and circulated for opinion, lays down that partitions and separations of interest among the members of Hindu undivided families and other transactions among persons governed by the Hindu Law shall, in certain cases, be effected by written and registered instruments. The Negotiable Instruments (Interest) Bill in addition to making certain minor amendments, amends the Civil Procedure Code, Chapter XXXVII, and the Negotiable Instrument Act, so as to enable the plaintiff to get interest at 6 per cent. only in cases where the rate of interest is not specified in the Instrument itself and with a view also to avoid evidence as to any oral agreement. The Indian Succession (Amendment) Bill, extends the provisions of sections 57 and 53 of the Indian Succession Act and makes them applicable to every part of British India so that in future no wills should be made except in writing and should always be signed and attested. It might be mentioned here though it has no connection with the Civil Justice Committee that Sir Arthur Froom's Bill amending section 33 of the Indian Succession Act was passed by the Council of State with the addition of a sub-clause which had been inserted in the Legislative Assembly. The seventh, the Provincial Insolvency (Amendment) Bill, empowers such Provincial Courts, as the local Government might think fit, to examine a third party who might be supposed to be indebted to the insolvent in order to elicit information; authorises the Court to

appoint from among the creditors committees of inspection; provides that when a creditor applies to prove his claim notice of such claim should be given to the receiver instead of to the insolvent; omits the powers given under section 80 entitling the High Court by rules to delegate to the receiver powers like those of hearing insolvency petitions, examining the debtor, making orders of adjudication, granting orders of discharge, and approving compositions or schemes of arrangement; and carries out the suggestion of the Rangoon High Court giving the creditor also the power to apply for the annulment of fraudulent transfers by an insolvent or payments by way of undue preference to a creditor. Though it was not passed last session, mention might be made of another Bill arising out of the recommendations of the Civil Justice Committee, *viz.*, the Code of Civil Procedure (Second Appeals) Bill. It seeks to lay down that where a Second Appeal is preferred against a concurrent decision, the court shall, save in circumstances, specified in the proviso, require security. Sir Hari Singh Gour and Mr. Rangachariar objected to the Bill being proceeded with last session, and it was circulated for the purpose of eliciting opinions thereon.

A number of other official Bills were also passed. The Indian Companies (Amendment) Bill enables an association formed for charitable or other similar purposes and not for profit to be registered without the addition of the word "Limited" to its name. The Cantonments (Amendment) Bill makes certain amendments to the Act of 1924 which had been found necessary as a result of the experience gained in the working of the new organisation in the administration of the Cantonment set up by the Act of 1924. The Workmen's Compensation (Amendment) Bill gives effect to the resolution passed last session recommending the ratification of the Draft Convention adopted at the seventh session of the International Labour Conference regarding occupational diseases. It extends slightly and defines more precisely, the circumstances in which compensation can be claimed by a workman who contracts Anthrax. The Sind Courts (Supplementary) Bill promotes the status of the Court of the Judicial Commissioner of Sind to that of a Chief Court and makes certain formal consequential amendments in certain Acts. The Usurious Loans (Amendment) Bill extends the operation of the Usurious Loans Act, 1918, so as to enable debtors to file suits under the provisions of the Act in the same way as is open to creditors and enhances the period of limitation in proviso (i) of Section III of the Act from six to twelve years.

Two more Bills which were introduced during the last session might also be briefly mentioned. One of these, the Indian Factories (Amendment) Bill to provide for the maintenance of a reasonable temperature in every factory was introduced in the Assembly by Sir Bhupendra Nath Mitra and circulated for the purpose of eliciting opinions thereon. Another the Indian Forest Bill was introduced in the Council of State by Saiyid Raza Ali to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest produce.

The three most important legislative measures of the session, however, were the Code of Criminal Procedure (Third Amendment) Bill, which has already been noticed, the Indian Bar Councils Bills and the Currency Bill. The Indian Bar Councils Bill dealt with certain recommendations of the Indian Bar Committee which had been appointed by the Govern-

ment of India in November 1923. The Report of the Committee was circulated to Local Governments and other bodies and after their replies had been received and considered the Bill was published in the Gazette of India on the 2nd January 1926 and introduced in the Assembly on the 21st January 1926. It was, later on, referred to a Select Committee whose report was not unanimous. The recommendations of the Bar Committee with which the Bill dealt were those affecting the formation of a single grade of legal practitioners entitled to practise in the High Courts, the establishment of Bar Councils in certain High Courts, their constitution, rights and powers and the disciplinary jurisdiction of the High Court in matters other than contempt of court. The recommendations had in several matters been amplified or modified in the light of the criticisms and suggestions which had been received. The Bill is intended to apply to the High Courts of Calcutta, Madras, Bombay, Allahabad, Patna and Rangoon but the Governor General has the power if he thinks it fit later on, to make it applicable to other High Courts. Provision is made in the Bill for constituting the Bar Council, for its composition and for giving it perpetual succession. Powers are given to the High Courts to make rules regarding the election, constitution and procedure of the Bar Council, and the Council itself is given power to make bye-laws consistent with the Acts and the Rules. The Bill also deals with the qualifications, admission and enrolment of advocates, with questions of discipline and with the Courts where the advocate is entitled as of right to practise. It also gives the Bar Councils the general power to make rules with regard to the rights and powers of the Advocates, facilities for legal education, the conduct of any examination they may hold, the charging of fees therefor and the investment and management of their funds subject to the restriction that they can only make these rules with the previous sanction of the High Court. On the 26th August 1926 when the Home Member moved that the Bill be taken into consideration Sir Hari Singh Gour contended that it had been radically changed in the Select Committee and should be re-circulated for the purpose of eliciting further opinions thereon but his motion was negatived without a division. As the debate proceeded, several amendments were moved, particularly by Mr. K. C. Neogy, Mr. S. C. Ghose, Sir Hari Singh Gour, Mr. K. Ahmad and Sir Sivaswamy Aiyer, but except for one moved by the last named member they were all rejected. On the following day when the Home Member moved that the Bill be passed, Mr. K. Ahmad severely criticised the measure and Sir Hari Singh Gour expressed his dislike of it and regretted that it was not possible to resist its progress. Mr. Harchandrai Vishindas considered that the Bill had long been overdue and welcomed it but Mr. Neogy argued that it would impose the rule of the minority on the majority and make the position worse than it had been. Pandit Madan Mohan Malaviya welcomed the obliteration of the distinction between Barristers and Vakils which, he thought, had handicapped the growth of a strong Indian Bar. The Home Member claimed that the Bill aimed at the creation of a united Indian Bar. Government might pass the measure but its success would depend on those who worked it. If it was to do the slightest good it must be worked by men of good will on both sides. He was hopeful that if the Bar Councils succeeded in creating a solid body of the best professional opinion they would not only contribute to maintain and enhance the reputation of the profession but would also assist in the better administration of justice. The Bill was passed without a division.

On the 31st August 1926, it came up before the Council of State. Sir Maneckji Dadabhoy regarded the Bill as of a revolutionary character which made changes of a very drastic nature in the traditional constitution of the Indian Bar and he opposed it at length. Mr. P. C. Desika Chari, Sir Pheroze Sethna, Saiyid Raza Ali and Mr. Ramdas Pantulu strongly supported the Bill. Mr. Kumar Sankar Roy Chaudhuri moved an amendment which was rejected, by 29 votes against 18. The Law Member moved an amendment to Clause XIV providing that nothing in it should be deemed to limit or affect the power of the High Courts of Calcutta and Bombay to make rules determining the persons who should be entitled to plead and to act on the original side of those High Courts. The amendment was opposed by Mr. Kumar Sankar Roy Chaudhuri, supported by Rai Bahadur Nalini Nath Sett and carried. The Bill, as passed by the Legislative Assembly and amended in the manner just mentioned was passed by the Council of State without a division. On the 2nd September 1926 the amendment made by the Council of State was taken into consideration in the Legislative Assembly and agreed to. The Currency Bill was introduced in the Assembly on the 18th August 1926, and on the 23rd August the Finance Member moved that it be taken into consideration. Though the Bill dealt with only a few recommendations of the report of the Royal Commission on Indian Currency and Finance, in view of its great importance, the Finance Member went into the report at length and no apology appears to be necessary for a fuller summary of his speech than is required for a statement of the provisions of the Bill. Sir Basil Blackett described the report as the most important contribution to the problem of India's Currency which had been made since the Herschell Committee had reported in 1893. The report of the latter committee had marked the definite end of the monometallic silver standard in India, and the close of the last period during which India had had a real Currency standard. It was an immense task for a country like India to pass over the chasm which divided a silver from a gold standard, but since 1893 India had been trying to cross that gulf. After 1893 the silver rupee had ceased to be the standard of value but a sudden break with the past was unthinkable; and the preponderance of the silver rupee in the circulation was still the main obstacle to a further advance. Then, the prospects of the evolution had been rudely checked by the war which had been followed by the premature attempt in 1920 to re-establish the rupee at a fixed ratio with gold at a time when India's finances were in disorder and the currencies of the world were in a state of chaos. That effort had failed with the result that it had set back the clock of progress in currency matters in India and nothing had remained but to postpone the task of fixing new moorings for the rupee until world conditions were sufficiently stable to offer a chance of success to any new effort at stabilization. When Sir Basil arrived in India the rupee had broken loose altogether from its moorings and was drifting in an uncharted sea. And no attempt could succeed in restoring stability until Indian finances were once again in order and some semblance of stable conditions had been re-established in the Currencies of the world. Further the atmosphere of suspicion made it impossible to take any decisive action except as the outcome of the deliberations of an authoritative enquiry. The report of the Currency Commission had at last placed Government in a position to look ahead and the Finance Member was convinced that in a period of not more than five years they would be

able to move from the transitional exchange standard of the last thirty years to a real gold standard. "They offer India," said the Finance Member, "the prospect of a real gold standard, with the currency and banking reserves of the country at last amalgamated under the control of a single authority independent of government, in undisputed management of India's Currency and Credit policies and of the Indian money market. They offer India moreover the quickest practicable means of advance, if she so desires, to a gold currency."

The report was unanimous except on two points, *viz.*, the question of the nature of the Bank to which all agreed that the control of the Currency and the reserve should be entrusted and the question whether the gold value of the rupee should be fixed at the equivalent of 1s. 6d. or 1s. 4d. gold. The major recommendations involved details of far-reaching importance such as the question of the Reserve Bank and the convertibility of the notes issued by it into gold bullion, which would require intensive study by the Government and the people of India before final conclusions could be properly formulated. The Bill was intended to be a transitional measure, but it pointed the way to a new gold bullion standard on to which a gold currency might eventually be grafted. "The gold bullion standard proposed by the Commission," said Sir Basil, "offers India a currency system in no way inferior and in no essential feature different from the Currency systems in force in the great countries of the west, in particular England and the United States of America." The Bill had been introduced in accordance with the Commission's recommendations and the Finance Member appealed to the House to divorce itself from the unhappy atmosphere of suspicion which had surrounded Currency controversies in India. He claimed that since his arrival in India he had striven to serve the financial interests of the country to the best of his ability and in the ways which his conscience and judgment had led him to regard as most truly beneficial to India as a whole. "All I ask is that the honesty of our intention, as shown in the policy adopted by the Government, should be accepted by the other side Let us not conceal our differences, nor hide our divergencies of view-point, in order that we may the more readily and swiftly arrive at those conclusions which will be best for India. But I do earnestly beg for friendly collaboration untarnished by unworthy suspicions or bitter accusations." He repudiated as utterly baseless the suggestion that 1s. 4d. was an Indian view and 1s. 6d. a non-Indian view. The Bill was an interim one, but it did more than simply fix new moorings at which the rupee might safely be anchored. "It proposes to impose for the first time on the currency authority," said the Finance Member, "a statutory obligation to maintain the rupee within those moorings—a statutory obligation, the absence of which from the old system is a feature which has been severely commented on by the Commission . . . These provisions automatically give India what she never had before, namely a standard security linked to gold by statutory enactment . . . it will no longer be within the power of the Currency authority to let exchange stray away from the fixed rate without coming within the mischief of statutory provisions of an act of the Indian Legislature." The statutory enforcement of this obligation was the first and main purpose of the Bill. There was a statute in existence fixing the gold parity of the rupee at 2s., but that rate had never been operative. It was therefore necessary to fix the rupee at some new rate, and the rate chosen

was 8.47512 grains of gold per rupee, which corresponded to an exchange rate of 1s. 6d. gold—the rate recommended by the Royal Commission, subject to a minute of dissent by one member. The Finance Member did not propose at that stage to enter into arguments in support of the particular rate adopted in the Bill because that discussion would come more conveniently during the consideration of the Bill. The principle of the Bill was that the time had come to stabilise exchange by statute. Instability inevitably brought undeserved losses upon the people and only the speculator and the profiteer gained thereby at the expense of the producer and the consumer. The stability of the rupee, ensured by statute, was therefore at once desirable. Explaining the other clauses the Finance Member said that the Bill took away the legal tender character of the sovereign and half-sovereign in India altogether. In order to stabilise the rupee at the new ratio it was necessary to alter all those sections in the existing acts which fixed the ratio at 2s. and if the new standard was to be a gold Bullion standard it was impossible to have the gold coin in circulation as well. Provision was also made for the imposition of a statutory obligation on the currency authority to maintain the rupee at the new ratio by buying gold at the fixed rate corresponding to the new ratio, and by selling gold or gold exchange at their option to anybody who demanded it in amounts of not less than 400 oz. fine in the case of gold or the equivalent in case of gold exchange, thereby ensuring that exchange would not fall below the lower gold point.

Defending the Bill against the charge of precipitancy the Finance Member remarked that the one argument of the Minute of Dissent against the 1s. 6d. ratio was that prices in India had not adjusted themselves to the 1s. 6d. ratio and that therefore it was not too late to adopt 1s. 4d. What would have been said of the Government if they had maintained 1s. 6d. for another six months and not come before the Legislature till February 1927? It was clearly incumbent on the Government as soon as the report was issued to prevent wild fluctuations and unhealthy speculation in exchange by announcing their views in regard to the ratio and their intention of maintaining the rupee at that ratio in the interval between publication and the carrying of Legislation. The Bill was promoted in direct accordance with the very strong recommendation of the Commission that Government should forthwith take interim action. Finally it was not in the interests of India that the market should remain in uncertainty a moment longer than was necessary; that the busy season should be hampered by hesitations, doubts and an instability that was no longer unavoidable. Dewan Bahadur Rangachariar associated himself with the tribute which had been paid to the members of the Commission and expressed his appreciation of the ability and the impartiality the Finance Department had shown in placing all the materials before the Commission. He also acknowledged the great ability the Finance Member had shown during the last four years in India. But he claimed that the members had not had the opportunity to consider the voluminous materials which the Commission had gathered in the course of their investigations. How were they to come to a decision unless they could say what the ratio was, whether the *de facto* rate had been established, and how it had been established? He was not prepared to place implicit faith in anybody's judgment in a matter of this kind, and he moved that "the Bill be circulated for the purpose of eliciting opinions thereon." The Home Member stated that Government had no

wish to thrust the report down the throat of an unwilling House; they did not desire that members should be deprived of an opportunity of discussing a document which had been rightly designated as epoch-making. If there was a general desire on the part of the House in support of Mr. Rangachariar's motion the Government would not oppose it. Mr. Jinnah congratulated the Government on the attitude it had taken, but maintained that when the Government of India were not in a position to announce their decisions on all the recommendations of the Commission the House should not be asked to give its decision on the points dealt with in the Bill. Sir Sivaswamy Aiyer also supported the amendment and it was carried without a division.

Conclusion.

The Council of State was adjourned on the 31st August and the Assembly on the 2nd September 1926. On its dissolution, a few days later, terminated the life of the second Legislative Assembly. Advantage was, therefore, taken of the last sitting of the Assembly to acknowledge the services of its first non-official President. Dewan Bahadur T. Rangachariar congratulated Mr. Patel on the manner in which he had discharged the duties of his high office. After referring to Mr. Patel's impartiality and unfailing courtesy Sir Sivaswamy Aiyer expressed the hope that he would be returned unopposed by his constituency and that the House would conform to the Parliamentary tradition of re-electing him President without a contest. On behalf of the Muslim Parliamentary party Nawab Sir Sahibzada Abdul Qaiyum offered his sincere congratulations to the President on the most successful manner in which he had performed his duties and wished him a sure and speedy return to the House. Sir Walter Willson associated the non-official European members with the remarks which had fallen from previous speakers, testified to the President's fairness and hoped that Mr. Patel's re-election from his constituency would not be contested. On behalf of the Independent party, Mr. B. Venkatapatiraju paid a tribute of admiration for the manner in which Mr. Patel had conducted himself. Mr. Venkatapatiraju and his friends wished Mr. Patel an early and uncontested return and promised their unstinted support in placing him again in the chair. Mr. N. M. Dumasia, Mr. J. Baptista, Mr. K. C. Neogy, Maulvi Muhammad Yakub and Pandit Madan Mohan Malaviya also joined in expressing their appreciation of the manner in which Mr. Patel had filled the Presidential Chair. So did Sir Alexander Muddiman, who, in offering his congratulations, said "I very respectfully lay my bunch of roses on your desk in addition to the other bouquets that have fallen to your lot." Though the period for which Mr. Patel had presided over the Assembly had been comparatively brief, it had not been uneventful. Indeed, the Home Member thought that the constitutional historians would refer to it as a land mark in the history of the Assembly. On his own behalf and on behalf of those who sat behind him the Leader of the House offered his and their thanks for the very considerate and courteous way in which Mr. Patel had maintained those relations between the chair and himself which alone could contribute to the proper disposal of public business. Sir Alexander also thanked the members generally for the very courteous and kindly way in which they had conducted the business with him. Mr. Patel thanked the members for the generous treatment he had received throughout the period of his office and for

the flattering speeches which had been made. He reminded the House that when in their collective wisdom the members had called him to occupy the chair he had taken it with a solemn determination to be absolutely impartial in everything. He had soon realised that for an elected President it was not enough to be merely impartial but it was essential to inspire in every member of the House a feeling that he would be impartial which he could do only if he laid aside, for the time he occupied the chair, "all that was personal, all that was of party, all that savoured of political predilection," and if he subordinated everything to the great interests of the House as a whole. He assured the House that he had always endeavoured to the best of his capacity to work on these lines; but it was not for him to say how far he had been successful in his endeavours. Proceeding Mr. Patel observed that one of the objects which had induced him to accept the office was to demonstrate that the only way to fit the people of the country for responsible Government was to entrust them with the working of such a government. Here again he was unable to say how far he had been able to achieve his object. In conclusion Mr. Patel thanked Mr. Graham and Mr. Gupta for the valuable assistance and advice he had constantly received from them. Before adjourning the House the President requested the members to do him the honour of shaking hands with him and invited the Leader of the House to lead the way. The members then shook hands with the President and the Assembly was adjourned *sine die*.

The preceding pages show the business which was transacted during the Simla session and how certain matters of considerable importance had to be adjourned. They also show that neither the absence of the Swarajists nor the comparative shortness of the session detracted from its importance. It has been remarked in previous numbers of this publication how even the bitterest controversies on the floor of the House leave no traces behind. The proceedings of the 2nd September clearly showed that the cordiality of the relations between the members is hardly affected by their political or other differences. And in the interests of Parliamentary life in this country the Home Member could not have appealed in vain when he said "we must differ no doubt, but at any rate let us differ without bitterness or bad feeling".

India's Parliament

PART I.

EXTRACTS FROM SELECTED SPEECHES DELIVERED IN THE LEGISLATIVE ASSEMBLY.

Tuesday, 17th August, 1926.

INAUGURATION OF THE SECOND SESSION OF THE SECOND COUNCIL OF STATE AND THE FIFTH SESSION OF THE SECOND LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy with the Presidents of the Council of State and the Legislative Assembly having arrived in procession, His Excellency took his seat on the dais.

H. E. the Viceroy : Gentlemen of the Indian Legislature, it is with much pleasure that I bid you welcome to the labours of another Session. Although the full term of the Assembly is not due to expire till January, it is generally convenient that the Elections should be held at the beginning of the cold weather, and the new Assembly brought into being in time for the January Session. Having regard to these considerations, I propose that dissolution should take place next month to be followed by the General Election in November. I recognise that, in these circumstances, it must have been inconvenient to some Honourable Members to attend this Session. Many of you will have found difficulty in leaving your constituencies at a time which you would naturally wish to devote to electoral activities, and many have had to travel long distances to attend a Session which must necessarily be of short duration.

I thank Honourable Members, therefore, the more for affording me this opportunity of making their acquaintance, and of acknowledging the work they have done during the past Sessions of both Houses. Apart from the needs of public business, it was a desire to provide myself with such an opportunity that was largely responsible for my decision to hold this Session, for I do not forget that when I next address the Legislature, the ballot-box will have had its say, and though Members of the Council of State are happily at this time exempt from its operation, some of the Members of the Assembly whom I now see before me may have had to bow to its remorseless decree.

I am happy to inform you that the relations of India with the Kingdoms of Nepal and Afghanistan, as with other Powers whose countries adjoin our own, continue to be friendly.

The settlement of the difference between His Majesty's Government and the Government of Turkey about Mosul has removed the outstanding obstacle to a full understanding between the two countries, and has been hailed with satisfaction both by the Muslim community and by general Indian opinion.

In the sphere of Imperial policy, the most pressing of all questions affecting Indians, is the position of their fellow-countrymen in South Africa. When Lord Reading last addressed the Council of State, two months before his departure, he referred to the negotiations which were then in progress between the Government of India and the Government of the Union of South Africa, and which have had the satisfactory outcome already known to you. That result was due to, and could only have been achieved by, various influences operating in close combination. The steadfast policy of the Government of India was guided by the wise and patient diplomacy of Lord Reading, and assisted by the discreet restraint with which the Indian Legislature awaited the issue of developments which outwardly, at times, gave cause for anxiety and misgiving. The tact and dignity with which the Indian Deputation to South Africa stated the Indian cause, drew valued support from the un-official labours of Mr. Andrews, and, last but not least, I know that this Assembly would wish me to acknowledge the broadminded statesmanship of General Hertzog and his colleagues as expressed in their willingness to submit the Indian question in South Africa to discussion in a friendly conference. As has already been announced, the Conference will meet in December at Cape Town, by which means touch can be maintained with the opinion of Indians resident in South Africa, and the Government of India hope in due course to announce a *personnel* of the Indian Delegation which will satisfy the public that the case of India will be worthily presented. The reception accorded by Indian opinion to the decision to hold such a conference augurs well for its success. At the same time, in order to enable representatives of the various political parties in South Africa to appreciate India's point of view, and to strengthen the better understanding created by the visit of our Deputation to the Union, the Government of India extended, and the Union Government have accepted, an invitation to send a representative deputation to this country. This exchange of visits will, I am confident, do much to give to the peoples of the two countries the real desire to appreciate and appraise one another's difficulties, which is the first step to the discovery of means by which conflicting claims may be brought into harmonious relation. For however strong on every ground we conceive our cause to be, we do no service to it if we deny the existence of, or underrate, the difficulties confronting those who are the responsible spokesmen of South African opinion. Least of all do we assist our purpose if we affect to treat any question such as this, of which the roots lie more deeply bedded in human nature than our philosophy can easily discern, as one susceptible of easy decision by some application of coercive force. Any solution that is to deserve the name, and to stand the test of time, must be based upon mutual accommodation and carry the free assent of both communities.

In October the Imperial Conference will meet to discuss other important questions of general Imperial concern. Every year that passes shows more clearly that the various dominions of the King-Emperor constitute an inter-dependent organism in which no part can exist in lonely isolation. With the expansion of her natural and political resources, we may feel confident that India must take an increasingly important place in the general structure, for she has much both to give to, and receive from, others.

There are several important matters of domestic, financial and industrial concern to which I must especially direct your attention. Our

recent rupee loan was a conspicuous success, and we may congratulate ourselves that in the space of two hours we obtained all the money we required on terms which are infinitely better than any we have been able to secure since the outbreak of the great European War. Indeed, they compare very favourably with terms recently obtained for long-term loans by even those Governments whose credit stands highest in the world's money markets. I see no reason to suppose that, when we come to replace our remaining short-term liabilities, we shall find any difficulty in obtaining terms as favourable.

The Report of the Taxation Enquiry Committee is under the careful consideration of Government, and matters are in train for that consultation with the Local Governments which is essential before action can be taken on the Committee's recommendations. In the meantime, in order both to fulfil the promise made to the Legislature and to assist Government in formulating their conclusions, Resolutions will be moved this Session in both Chambers in such terms as to give Honourable Members an opportunity of expressing their views on any portion of the Report in which they may be interested.

The Report of the Royal Commission on Indian Currency and Finance is now in your hands and testifies to the thoroughness with which Mr. Hilton Young and his colleagues have done their work. Whatever judgment may be formed of their conclusions, it will be readily admitted that by the care and knowledge which they have brought to the examination of these matters, they have given us very valuable assistance. As already announced, the Government of India have accepted two of the chief recommendations of the Commission, namely, the ratio of the rupee to gold and the method of establishing that ratio during the period which must elapse before the responsibility for the control of the currency can be transferred to a Central Bank.

In view of the acceptance of these recommendations Government felt that there should be no delay in making a clear statement of its policy, and that as immediate action by Government was necessary, it was their plain duty to bring the matter before the Legislature at the earliest possible date. A Bill will therefore be introduced during this Session, and I feel confident that so grave and weighty a subject will be examined not in the light of any local interests but with reference to its ultimate reaction upon the economic and commercial prosperity of the whole country.

As Honourable Members will be aware, the Tariff Board is now occupied with an important statutory enquiry into the steel industry, and the Bombay Mill-owners' Association recently applied for an early and comprehensive enquiry into the cotton textile industry. The depression in the latter industry has for some time been a matter of grave concern to the Government. In order therefore to avoid delay, Government decided to appoint a second Board, which commenced its investigations at Bombay at the beginning of July. It is hoped that the reports of both these Boards will be submitted within the next three months, in time for consideration at the next Delhi Session.

In addressing the Legislative Assembly at the beginning of this year Lord Reading outlined the object and duties of the Royal Commission on Agriculture, which will begin its labours two months hence. The personnel of the Commission is now known to you. In its President, Lord Linlithgow, it is fortunate in having a man who combines sound practical experience in farming with a life-long study of its science.

colleagues a body of men, who by their knowledge of practical agriculture, rural economy, science and engineering, are well fitted to analyse and review the allied questions on which the greater prosperity of the agriculturist depends.

There is another aspect of the economic development of India to which I may refer. Railway construction, which up to 1914 had made rapid progress, was checked in its stride by the upheaval of the Great War and the years immediately succeeding it. During the last five years the most urgent work has been carried on, not without difficulty, but now, as a result of the improved financial position of railways generally, the Railway Board feel able to consider the adoption of a definite scheme of construction for the next five years. They have devoted particular attention to the development of traffic in rural areas with a view to stimulating agriculture, and by a new adjustment of standards of construction to the conditions of each area they hope, in their present programme, to add 6,000 miles of railway which will be at once remunerative and a boon to the country which they serve.

Another and a more important development of railway policy is also being carried out. The Government of India, with the approval of the Secretary of State, have accepted the recommendation of the Royal Commission on Public Services that recruitment in India to the Superior Railway Services should gradually be brought up to 75 per cent. of the total number of vacancies in each year. Rules have recently been published which give effect to this policy in all the principal branches of the Superior Railway Service.

In another direction also the further recruitment of Indians has taken definite shape.

In their last Session the Legislative Assembly accepted in principle the scheme for the establishment in Indian waters of a training ship for deck officers. The estimates of the cost of the scheme have now been prepared in more detail, and a demand for a grant will be placed before the Assembly at this Session to cover the expenditure contemplated during the year.

Honourable Members will have observed that, in pursuance of the proposals made by the Lee Commission affecting the Public Services, a Public Service Commission has now been constituted which will commence its work on the 1st October. The orders passed on the Lee Commission Report involve a very marked increase in the Indianisation of the great Public Services and, with this wide extension of Indianisation, it becomes a matter of vital importance to improve our machinery for recruiting Indians. This will be one of the main functions of the Commission. They will also, it is hoped, assure to the Services, in their capacity as an impartial court of reference, protection in the honest performance of their duties from all influences, whether political, personal or communal, which might affect them. It will be within the recollection of Honourable Members that the Lee Commission made various suggestions of importance in connection with the delegation of powers of control over the Services. It was recognised that so long as Provincial Governments on the transferred side were not free to organise the Superior Services which administer the subjects committed to their charge, their initiative might be to some extent restricted. The Commission therefore proposed that fresh recruitment to the all-India Services working on the transferred side should cease, and that Local

Governments should be entrusted with the power of organising new services on a provincial basis, which would gradually take over the duties at present performed by these all-India Services, as the latter gradually disappeared through retirement. Recruitment for the all-India Services referred to was stopped as soon as the recommendations of the Lee Commission were accepted, and recently by Resolutions passed by the Secretary of State in Council, power has been given to Local Governments to organise such new Provincial Services as they may require. The organisation will be no easy task, but the Local Governments will be able to follow their own line of policy and to mould their schemes to suit local requirements, and these powers represent an important step in increasing the control of Ministers over Transferred Subjects.

Hitherto, I have referred only to the all-India Services serving on the transferred side. The Lee Commission also made recommendations of far-reaching importance with regard to the control of the Central Services, which work directly under the Government of India. With a few exceptions, it has been decided that control over these great Central Services should be delegated by the Secretary of State in Council to the Government of India. The necessary rules are at present under preparation, and I hope that within a few months the delegation will be an accomplished fact. With the completion of this task and the settlement of the problem of the Indian Medical Service, the action on the recommendations of the Lee Commission will practically be complete, and a reorganisation of the Services of a very striking character will have been accomplished.

This action is the administrative counterpart of that taken seven years ago by the British Parliament towards enabling India, through the working of popular institutions, to assume greater responsibility for her own destiny. From the purpose then declared, the British people and the British Parliament have never wavered. By the action that they then took they gave statutory recognition to two governing ideas. They recognised the right of India to move towards self-government, and they recognised the obligation imposed upon the British people acting through Parliament to assist India to make that right a practical reality.

Though on the surface these ideas may seem to conflict, they are in truth complementary. We can no more deny the fundamental duty of Parliament thus to assist India and to judge of the progress made, than we can deny the ultimate claim which India makes, and to the satisfaction of which we work. It is certain that, before this claim can be fully realised, many obstacles imposed by history, circumstance and nature will need to be surmounted, and I cannot doubt that the task is one, of which the successful discharge must depend upon a true reconciliation of those rights and responsibilities to which I have made allusion. It would indeed seem certain that when the past achievements of progress have been the happy fruit of joint Indian and British effort, so now, in the solution of present difficulties each race has an indispensable part to take. Within the next three years at the most from now the Statutory Commission will be appointed to conduct an investigation on behalf of the British Parliament into the working and the results of the Constitutional Reforms, in their widest aspect. The purpose of this enquiry will be to ascertain the degree of efficiency, or otherwise, with which the policy of 1919 has proceeded. I am well aware that in various quarters the existing

scheme has been criticised, and that there has been, and will be, sharp disagreement as to the character and occasion of further progress. I would permit myself however to hope that, if difference there must be, it shall be such difference as will not make us unwilling to admit the sincerity of those whose views on these subjects differ from our own. For my own part, I trust that I shall always be ready to acknowledge in those whose political views I cannot share, the same honesty of conviction which I claim for myself, and for those whose duty it is to speak for Government. And I should be the last to desire, that in taking their share of a common task for the service of India, any should be required or expected to abandon principles which they revere. For peoples, as for individuals, the qualities which are needed to shoulder responsibilities are qualities which would be strangled by the denial of individuality, and it is no part of the British purpose to seek to force India into a mould unfriendly to the main features of Indian life and character. Events in the interval between now and the Commission's enquiry cannot fail to exert great influence upon the conclusions at which that body will arrive, and in this connexion I cannot refrain from referring to the feeling which still prevails between communities.

This unhappily remains the burning question, and I have anxiously watched for any signs that the responsible members of the two communities are approaching it in that spirit of mutual tolerance which alone can put an end to discord. I am not so sanguine as to think that the temper of whole communities can be changed in a moment ; time is required to lay its healing hand on the wound that is now wasting our civic life.

But meanwhile, we have obligations to law-abiding citizens. Although, indeed, these matters are the primary concern of Provincial Governments, the form in which they are now emerging has in a real sense made them of all-India interest. While it is no part of the functions of the executive Government to ascertain or determine in any judicial sense the private rights of citizens—for an elaborate system of courts has been provided for that purpose—it is the undoubted duty of the executive authorities to secure that, subject to the rights of others and the preservation of the public peace, the enjoyment of those rights is secured to the individual. That duty the Government of India in co-operation with the Local Governments desire should be performed with fairness and scrupulous impartiality. In ordinary times when no particular cause of friction arises, the enjoyment of private rights connected with the observance of the numerous religious festivals in this country has, under the protection of the British Government, been secured for many generations. In times of communal tension, untenable claims of rights and exaggerated opposition have from time to time caused great anxiety to the authorities, and the maintenance of the public peace has been a difficult task. The antagonism which some members or sections of the communities concerned have recently displayed towards the observances of others appears to some extent to be based, not so much on traditional loyalty to any creed, as on new assertions of abstract rights which it is sought to invest with the sanctity of ancient principles. This tendency has been more marked in the recent troubles than at any previous period in the British administration. It cannot be too clearly emphasised that Government have no intention whatever of allowing any unjust or unreasonable

claims, still less any violence or threat of violence, to deter them from their clear duty of maintaining the public peace and, so far as is compatible with the rights of others, the right of the individual citizen to pursue unhampered his lawful avocations.

The present state of affairs is one which must, so long as it lasts, cause the gravest anxiety to all well-wishers of India. The Secretary of State gave clear expression to such a feeling in his recent speech in the House of Lords, a speech which reaffirmed not only his real sympathy with the hopes of the Indian peoples, but also his determination to lead them, by the safest and surest path, towards the goal which they desire to reach.

It is my earnest hope, therefore, that the course of public affairs in the years immediately before us may be such as will justify the hopes of those who have seen in the Reforms, tentative and imperfect as they may be, a generous attempt to equip India with the practical experience which is requisite if she is to undertake successfully an increasing share in her own Government. In the natural sphere, the mountain torrent, swollen with rains, rushing down in spate, wasted and unguided, brings no benefit but only disaster and destruction. The same waters, if their force may be wisely and beneficently directed, are the friend of man, and powerful to give new life to all that may be brought within their range.

In this parable of Indian life lies surely a truth that is not without its application to the world of Indian politics. Men of different temperaments, creatures of different circumstances, will see the same problem with different eyes, and, so seeing it, are prone to misjudge or be impatient with those whose outlook and perspective differ from their own. One thing, however, is very sure. Human nature is designed to be the master, not the slave of circumstance ; and problems which baffle us when approached through the atmosphere of suspicion and mistrust will seem less intractable if that atmosphere may be dispelled. India has abundance of ability, but some of it in the past has been directed along lines that could at the best lead to no useful or durable result.

The attempt to apportion blame for past disappointments, mistakes or misunderstandings is an empty and barren enterprise. We face the future, in which a few years are a puny measure by which to calculate the growth of nations. In that future I do not hesitate to say that the whole of the resources that India can command are needed for one of the greatest constructive tasks which has ever enlisted human energies and hopes

Tuesday, 24th August, 1926.

RESOLUTION RE REGULATION OF THE PERFORMANCE OF
RELIGIOUS FESTIVALS, ETC.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions :
Muhammadan Rural) : Sir, the Resolution which stands
4 P.M. in my name runs as follows :

" This Assembly recommends to the Governor General in Council that legislation be immediately taken in hand in order to regulate the performance of religious festivals, rites and ceremonies of different communities in India."

Sir, in proposing this Resolution it is not my desire to import communal feelings or heat into this House. I do not wish to enumerate the wrongs done by one community or the other, nor do I desire to apportion the share of blame for which one community or the other is responsible. It

is certainly very unfortunate that in these days, when the atmosphere is saturated with communal feelings, an old Nationalist and experienced public man like our friend Mr. Bipin Chandra Pal, who, I am sorry to see is absent to-day, should have indulged himself in writing the history of the present tension between the two communities and throw the whole blame upon the Mussalmans by connecting it with what he alleges to be a pan-Islamic movement. I will not try here to give an answer to the accusations which he has levelled against the Mussalmans. I would content myself simply by telling him, if he were present here, that he has not in any way advanced the cause of peace and good-will by writing in the way in which he has done. I have, Sir, undertaken to move this Resolution because I think that the present situation of communal tension has assumed such alarming dimensions that it is time that we should immediately face and solve the situation. The number of persons killed and injured in communal riots during the last three years, given by the Honourable the Home Member, is really appalling. He says in his statement that riots occurred in 71 places and were responsible for about 3,000 injured and 260 deaths. Now this in itself is a very large number, but I am afraid that correct figures are not available to the Government. It very often happens that many injured persons run away in order to avoid coming within the clutches of the law, and also there are certain cases in which dead bodies are disposed of before they come to the knowledge of the officials. Sir, I do not agree with those who think that the Government have a hand in fomenting communal riots and communal feelings. I also not think that the Government of India have ever shown partiality towards any community in dealing with communal matters, and, Sir, I take this opportunity publicly to enter my strong protest against the pronouncement recently made by Lord Olivier in this connection in the House of Lords. It is very surprising that an *ex-Secretary* of State for India should be so ignorant of the methods of administration in this country. I am sure His Lordship did not appreciate the result of his announcement. On the one hand he has been very unfair to the Government of India, and on the other he has done great injustice to the Mussalmans in this country who are already labouring under very disadvantageous conditions. Now, Sir, coming to the point under discussion, I submit that certainly it would have been much better if the leaders of both communities could have been able to settle all the points of difference without the help of the Government. But in the light of past experience, I am sorry to admit our inability to settle our differences amongst ourselves. The leaders of the country twice tried to adjust these points of difference and solve the problem, but they hopelessly failed. The first move in this direction was taken, if I remember aright, in September 1924, when a united conference was held at Delhi which was attended by Hindus, Mussalmans, Parsis, Sikhs and Christians, and after a long and laborious discussion certain resolutions were adopted in which principles were laid down to regulate the religious festivals of both the communities. The gist of these resolutions is given in Mr. Rushbrook William's book "India in 1924-25". These Resolutions proclaimed it to be improper for any person who considered his religious feeling affronted to take the law into his own hands. All differences should be referred to arbitration and failing that to the courts. The universal tolerance of religious beliefs and freedom of expression and practice with due regard to the feelings of others must be maintained. Upon the crucial question of cowkilling a resolution was passed by non-official

Hindus on the impossibility of stopping the practice by force alone. Muhammadans were advised to exercise their rites with as little offence to Hindus as possible, while the Mussalman leaders of the Conference personally pledged themselves to do everything in their power to reduce the number of cows annually slaughtered. Other resolutions discouraged the practice of disturbing rival communities by music, calling to prayer and the like without regard to conflicting susceptibilities. The Conference also established an all-India panchayat of 15 persons including Christians and Sikhs as well as Hindus and Muhammadans whose task it was to open local panchayats for the purpose of conciliation between the two communities." Although these resolutions, which are really very good, were passed at this Conference, no practical result was achieved because there was no force, no power behind these Resolutions to enforce them. There was no sanction behind them. If the principles laid down in these Resolutions had been put on the Statute-book in the shape of laws, I am sure the state of communal feeling in India would not have been what it is to-day.

Mr. K. Ahmed : What about Lala Lajpat Rai ?

Maulvi Muhammad Yakub : If there is Lala Lajpat Rai, there is also Mr. Kaye. We are not here to take into consideration the objectionable persons of both communities. We have to deal with reasonable people who want to live and let others live. The other move in this direction was an All-parties Conference which was convened at Delhi in February 1925 and ended in a fiasco. The failure of these two conferences has convinced me that nothing can be done in this connection without the help of the Government and it is for this reason that I venture to propose this Resolution before the House.

The codified law which relates to these matters is contained, so far as I know, in section 153 of the Indian Penal Code, sections 107 and 144 of the Criminal Procedure Code and section 30 of the Police Act, but all the provisions contained in these sections simply make provision for the keeping of the peace, they do not contain any provision to regulate acts which cause the breach of the peace or which cause these disturbances.

Mr. Mahmood Schamnad Sahib Bahadur : How can you do that ? It is not possible.

Maulvi Muhammad Yakub : It is not possible for men who have got no brains but it is quite possible for people who have some mental capacity. Well, Sir, there are also different rulings of High Courts and some rulings of the Privy Council on this subject, including the recent ruling in *Syed Manzur Hussain versus Syed Muhammad Zaman* published in Calcutta, Vol. 29. On going through these rulings I find they also fail to lay down any definite dictum on the points at issue. They have also felt the final authority unrestricted in the hands of the District Magistrate or the police officer. The summary of the last ruling which has been so often quoted in the papers during these days is as follows. Their Lordships of the Privy Council lay down that :

" Persons of whatever sect in India are entitled to conduct religious processions with their proper observances along a highway subject to the orders of local authorities regulating the traffic, to the Magistrate's directions and to the rights of the public. Persons of a different sect cannot as of right claim that the functions of the procession shall cease as it passes places of worship belonging to the former, but it would be open to the Magistrate, in the special circumstances of the case, to order that observances should cease within a certain distance of such place of worship."

You will find by reading all these judgments that no final dictum has been laid down.

Mr. Mahmood Schannad Sahib Bahadur : Because the Judges have no brains !

Maulvi Muhammad Yakub : It may be so. It is therefore essential that some broad principles should be laid down by the Government of India in the form of legislation and Provincial Governments should be left free to make rules according to the conditions prevailing in the different provinces. In fact, different Resolutions and different orders passed by different Provincial Governments have only operated to make the position still more difficult. It may be argued why do I ask the Government to take legislation in hand, and why I myself did not attempt to introduce a Bill into the House laying down the lines on which I want the Government to legislate. But, Sir, we all know the fate of non-official Bills in this House. It is now about two years that I gave notice to introduce two small Bills, but up to this time when we are on the eve of the Assembly being dissolved I have not been able even to introduce them. Under these circumstances it is hopeless to carry any non-official measure in this House unless the present rules are amended, and it is for this reason that I ask the Government to legislate.

Khan Bahadur W. M. Hussanally : Will you please enunciate the lines upon which you want legislation ?

Maulvi Muhammad Yakub : I am just coming to that. I want the Government to legislate. Sir, there can be no two opinions that communal bitterness is hardly a matter of local concern. It has now assumed an all-India importance. It is one of the most important problems to which the Government of India must devote themselves. What I submit is that we have found that non-official action and non-official attempts have failed to settle the dissension between the two communities ; some action should therefore be taken on the part of Government. I am quite willing, Sir, to accept the amendment proposed by my Honourable friend Diwan Bahadur Rangachariar which runs as follows.....(An Honourable Member : "Are you prepared beforehand ?") I am prepared beforehand because I am not proposing this Resolution simply to propose a Resolution.

Sir, we are fed up with these communal frictions, and the situation has become so very difficult that we cannot enjoy our home life happily, nor do our festivals bring any joy to us. On the other hand, on the occasion of almost every festival, more misery and sorrow is caused in every home, and therefore, Sir, I think it is high time that we bestirred ourselves instead of sitting with folded hands in our houses or making complaints to the authorities against each other or breaking the heads of our own countrymen. Is not the time ripe, I ask, Sir, when we should ask the Government to come forward and help us, since we could not solve the question ourselves, and failed in our attempt to solve this ticklish question ? Therefore, I am quite prepared to accept the amendment.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : I thought you said in the beginning that Government were doing all that was possible in the matter.

Maulvi Muhammad Yakub : I never suggested a single word about it. I never said that the Government were doing all that was possible

for them to do. What I said was that our leaders have done all that was possible for them to do, I did not say that the Government had yet done all that was possible for them to do. I do not think that a Government which has defeated the powerful armies of the German and Russian Empires in Europe would be incapable of solving these small questions arising out of communal tensions in this country which they have been governing for about a century now. Sir, in accepting the amendment of my Honourable friend Diwan Bahadur Rangachariar.....

Mr. President : The Honourable Member cannot speak on the amendment which is not before the House yet.

Maulvi Muhammad Yakub : I only indicate that I am quite prepared to accept that amendment if it is moved.....

Mr. President : The Honourable Member has already done so.

Maulvi Muhammad Yakub : I think, Sir, as a preliminary to legislation, the Government should take the necessary steps to undertake legislation in this matter. We all know that legislation cannot be taken in hand immediately ; it requires a certain amount of preparation. I think, therefore, Sir, that the best course for the Government of India to adopt, before undertaking any legislation, would be to call the leaders of different communities to a round table conference, so that they may, in consultation with the Government of India, make recommendations, and on the lines of those recommendations, I think it would be possible for the Government to formulate legislation laying down certain fundamental and broad principles for the guidance of the public as well as the officers of Government on such occasions. As regards the summoning of this conference, Sir, I think that His Excellency the Viceroy was himself inclined to take that step if he were sure of its success. In his remarkable speech at the Chelmsford Club, His Excellency the Viceroy said.....

Mr. President : Order, order. The Honourable Member's Resolution has nothing to do with any conference. He is not entitled to refer to the amendment which has not yet been moved except merely to state that he is prepared to accept it when moved.

Maulvi Muhammad Yakub : I will not discuss the amendment at present, Sir, but I will again repeat what I said in the beginning, that it is high time that the Government of India adopted certain measures and took steps which might be conducive to stop all this communal feeling and bitterness in this country. I do not want to make a long speech, but I may tell the House that it is my sincere desire that we should solve this most difficult question in the country to-day. With these words, Sir, I commend my Resolution to the House. It is for all the Honourable Members of this House to contribute their quota and to join hands with us and tell us what would be the best way to get out of this difficulty with which the country is faced.

Khan Bahadur W. M. Hussanally : May I know if you do not want legislation ?

Maulvi Muhammad Yakub : I do want legislation, as I have already said.

Mr. President : Order, order.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I beg to move the amendment which stands in my name, and which runs as follows :—

"That for the original Resolution, the following be substituted :

'This Assembly recommends to the Governor General in Council that he may be pleased to convene an All-India Conference of selected leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations to regulate the performance of religious festivals, rites and ceremonies of different communities in India.'

Sir, Honourable Members will notice that, according to the rules of debate of this Assembly, I had to restrict my amendment, especially the latter portion of it, to the scope of the original Resolution. If I were bringing forward a separate Resolution, it would have embraced much more matter than it is possible to do in this amendment. At the same time, I have taken care to put forth the first part of the Resolution that the whole question should be examined, although the recommendations may be restricted to a certain matter. I do not stand here to speak upon the subject with any pride. It is with a feeling of disgust and shame that I rise to speak on this motion, because it has been found necessary to table a Resolution of this character and discuss it on the floor of this House. But, Sir, I am not a believer in the hush-hush policy pursued by certain people. Facts are facts, and they have to be faced by us like men. We are all anxious for the day when we shall attain Swaraj, and we shall be still more anxious, Sir, when we do attain it, as to how best we are going to retain it. The subject underlying this Resolution concerns that aspect of it most intimately. Perhaps, it is easy to get Swaraj, but it is not so easy to retain it. That conviction has forced itself on me as a student of the politics of our country, and as a close student of the events during the last six years of my career in this Assembly. Fortunately, for me, Sir, I come from a province where, although there do exist differences of a sort, we have not the differences which disgrace the various upper parts of India. If Honourable Members will look at the list of horrible events which were enumerated by the Honourable the Home Member in answer to an interpellation on the opening day of this Assembly, they will be gratified to find that Madras is prominently absent from them. It is not that we have not got a Muhammadan population there. We have a Muhammadan population with whom we are on the best of terms, although now and then, few and far between, there have been differences—I will not call them serious differences. But this is not the place for us to enter upon the causes, the irritating and provoking causes which have produced this unfortunate tension of feeling between the two great communities which inhabit this land ; for we will be defeating the very purpose we have in view if in public we discuss those matters. I have some views which I have come to in connection with the various causes which underlie the differences between the communities. I am not going to mention them. It will not be useful to mention them, and I implore my Honourable friends who are going to follow me in this debate not to refer to what the causes may be, where the fault lies and where the fault does not lie. I admire the sincere spirit in which

my Honourable friend Maulvi Muhammad Yakub has come forward. He feels the soreness of this disgraceful position which we are face to face with, and I feel it likewise. I am glad, and the whole country is glad, that His Excellency Lord Irwin has taken it up in right earnest. Sir, we have not been wanting in words of advice, from men great and small, in connection with this matter. From all quarters we have received admonition and advice, and in various other directions there have been attempts, I will call them earnest and honest attempts, made by the communities themselves to put an end to these differences. But for want of the driving force which the Government alone can give to a movement of this sort those attempts have failed. It must be confessed that they have failed. Great men have taken part ; the greatest man perhaps amongst Indians almost gave up his life in order to urge this cause upon the earnest attention of his countrymen. Notwithstanding that stimulating inducement offered by him, the efforts made at that conference, a well known conference which I happened to attend for a day, failed. And, Sir, I believe we cannot achieve the results which we have at heart without the co-operation of all people, official and non-official alike. It is only with that co-operation that we can achieve or attempt any serious good results. Sir, my conception of the motion which I have tabled is that there should be a conference of selected officials and non-officials. I do not believe in a majority of non-officials in a matter of this sort. I want a majority of the people whose hearts are really bent upon changing the situation, whether they be officials or non-officials. We want persons with experience. Officials, both European and Indian, will be able to assist us most materially in a matter of this sort. And my idea is that this conference should be entirely a private conference not open to the Press. It should be a conference which should be opened by His Excellency the Viceroy in a speech which I am sure he alone can make, and he would then leave the conference to discuss these questions earnestly and in a sincere spirit. Having done that they would examine all the various causes of the present communal situation in the country. They would not be merely confined—I merely allude to this—to the religious disputes in connection with rights at festivals and ceremonies. I am afraid latterly they have taken a turn in a different direction, which perhaps it is not necessary to detail in this open meeting. But there are other causes which are at work and have been at work, and they may be traced to various events which have recently occurred. But these are matters which require an earnest examination, and I do hope the result of this conference will bring about a settlement of these questions. Sir, these two great communities, Hindu and Muhammadan, have lived in amity for centuries together in this land, both under Hindu rulers and under Muhammadan rulers. Under the Emperors of Delhi the Hindu and Muhammadan population lived together in amity and brotherly feeling, and they have so lived together under Hindu rulers of an older age. The Muhammadan community are not new to this land ; the Hindu community are not new to this land. We have multiplied notwithstanding the slaughters. Millions have multiplied into multi-millions. Therefore, let us not lose hope. Let us have faith that this is not going to be a permanent feature in our land. There have been provoking causes and those irritating causes must be removed. It requires the earnest efforts of the leaders of all communities, whether they be what I may call strong Hindus and strong Muhammadans or not. We want the co-operation not only of moderate Hindus and moderate

Mussalmans, but of staunch Hindus and staunch Muhammadans. I would not exclude them. I see an attempt has recently been made to form a national union. I have not much faith in the results which are likely to come out of that national union, for I believe they are making a fundamental mistake in excluding the staunch protagonists on either side. We want to bring them together at a conference where they may be impressed with the seriousness of the question, and I am sure we will be able to come to conclusions which will be satisfactory to both parties. I have myself taken part in one of these disputes between the Hindus and Muhammadans in Madras City itself. I was called upon by the Collector of Madras to be one of the arbitrators. The present Muhammadan Member of Council was the other arbitrator. Sir, they were about to break their heads over a question of procession and we called them together and we found no difficulty in coming to an amicable settlement. It depends on the way in which we approach the question. Of course if we approach the question saying that the other side is in the wrong and we are always in the right, then we will never come to a conclusion. We have to admit that both are to blame, probably some more to blame than the others. But the larger interests of the country require that these disputes should not be allowed to continue. I say it is not only the interests of Indians, but the interests of the Government and of the people require that they should be done away with. I appeal to Government to take a serious view of the situation. I am sure they are taking a serious view of the situation. They have told us here several times, and only the other day the Home Member told us what the attitude of Government is in regard to these matters. His Excellency the Viceroy has recognized the seriousness of the situation. But is it enough merely to recognize the seriousness of the situation and to say merely that we will discharge our duty by keeping the peace when peace is threatened? Should that be the only recognition of the seriousness of the situation? May I appeal to the Honourable the Home Member and the other Members of Government present here, is it not also their duty to take some serious action in order to see how to put an end to these things? Would you merely put an end to these disputes by punishing the rioters and sending them to jail? That is no doubt successful temporarily. But they are merely temporary cures. It is up to the Government to do their level best to seek a permanent cure. It may be, Sir, that this conference cannot come to a conclusion.

I do not want to say that we will be able to find a solution. It may be that this conference may not be successful and may break up. But it is worth the attempt of all of us to help and to co-operate whether inside or outside the Assembly. It is a matter on which we cannot hereafter sit quiet and merely issue edicts or advice from the hill-tops and merely say that the two communities should behave well. We have had enough of that. We want serious action, earnest action, and I appeal to all that we should put our hearts into this matter. I cannot think of any other way in which we can solve this problem. It requires consideration, it requires serious consideration at the hands of the leaders, at the hands of Government. Now, how best are we going to achieve that object unless we put our heads together and take action with regard to the future developments in this matter? So I earnestly commend this amendment for the acceptance of the Government and for the acceptance of this House.

Wednesday, 1st September, 1926.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, with your permission I beg to move the adjournment of the debate on this Resolution *sine die*.

I learned from the Mover of this Resolution that he would agree to this adjournment after a statement on this question has been made by the Honourable the Home Member. If that is so I need not go into my reasons for making the motion for adjournment. I wish to point out that in any case, even if this Resolution is carried, no legislation can be undertaken during this Session, and there is no use in debating this Resolution or trying to arrive at a conclusion in this Session. In any case the Resolution would have to be acted upon, even if passed, during the next Session. Secondly, the atmosphere.....

Mr. President : The Honourable Member forgets that there is an amendment by Diwan Bahadur Rangachariar which does not ask the Government to undertake any legislation but merely calls for a conference.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : And there is also my Resolution which does not call for legislation.

Lala Lajpat Rai : I was going to say a word or two about the amendments. My motion covers the original Resolution and its amendments. I want the adjournment of the whole debate, not of any particular portion of it. I was going to say that any debate on this question at this particular time will be very unfortunate, as, however careful Members may be, they cannot avoid references to certain things which have been done by themselves or other people outside this House, which will create bitterness. This is not the time to debate this question. Perhaps the Government in their wisdom will take their own course and decide when they are going to come forward. I would therefore appeal to all Members not to make any speeches upon this Resolution or on their amendments and to agree to the adjournment of the debate to the next Session.

Mr. President : Does the Honourable Member move formally the adjournment of the debate ?

Lala Lajpat Rai : Yes, Sir, I do.

Sir Hari Singh Gour : The Honourable the Mover of this motion also asked me whether I would agree to the adjournment of the debate, and in fact he asked me to move the adjournment of the debate. There are, however, various considerations which arise in my mind which I should place before the House before I accede to the motion made by the Honourable Lala Lajpat Rai. I wish to point out to this House that so far as acrimony is concerned that must be avoided in all debates. I submit that the mere fact that there is communal tension is no reason why Members of the Legislature with the duty of advising Government should shirk their responsibilities. I think, Sir, that far from being a case for adjournment it is a case for prompt and ready decision. That argument of the Honourable Lala Lajpat Rai, therefore, does not move me. On the other hand, I feel that so far as we, the representatives of

the people in this House are concerned, it is our duty to advise Government as to what action is necessary for the purpose of allaying the tension that exists between the two main communities in this country. I mean, Sir, that Honourable Members on this side of the House have spoken with great reserve, and I have no doubt that the speeches that will follow will also follow that reserve which we have steadily maintained throughout this discussion. But I think the fact cannot be denied that the tension is not purely religious. It owes its inception to and gains its momentum by reasons which cannot be described as otherwise than political.

Mr. President : The Honourable Member is entering into the merits of the Resolution. The debate is now confined to the adjournment motion moved by Lala Lajpat Rai.

Sir Hari Singh Gour : I am giving the reasons, Sir.

Mr. President : The Honourable Member is entering into the merits of the debate.

Sir Hari Singh Gour : I am not, Sir. (*Several Honourable Members*) : "Order, order".

Mr. President : I propose to dispose of the motion for adjournment first, and I would request Honourable Members to be as brief as possible.

Sir Hari Singh Gour : Well, Sir, I shall explain why it is inopportune to adjourn the debate at this stage. I wish to point out, Sir, that there are various amendments on the agenda paper. One of them stands in my name. The Honourable Lala Lajpat Rai rightly pointed out that even supposing that we were to carry this Resolution, no legislation is possible during the currency of the present Session of the Assembly. I interjected a remark and I repeat it here that so far as the Honourable Diwan Bahadur Rangachariar's amendment is concerned and so far as my own amendment is concerned, it does not call for any immediate legislation. As a matter of fact so far as my amendment is concerned, I think the Honourable the Home Member will promptly accept it, because the sooner the existing law is broad-casted to the people, the better chance the people will have of realizing their rights and liabilities in respect of the immediate causes which have led to this tension. I therefore submit, Sir, that there should be some more discussion on the subject before we are able to vote whether this is a fit case for adjournment or otherwise. If we can come to some *modus vivendi*, if some suggestion is made by the Honourable the Home Member accepting some of the amendments, or if some of us are able to dispose of this very difficult question otherwise than by shunting it off the line, I should certainly, Sir, oppose the amendment ; but as I have said, we must go more fully into the various amendments and see whether after hearing the authors of the amendments and their supporters, the case for an adjournment has been made out.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I rise to oppose this motion for the adjournment of the debate. Sir, it is no use postponing things which have already come to the front in the Press. The whole country is full of these discussions in the Press, and Honourable Members of this House

are also discussing these matters in the lobbies, and have already discussed them on the floor of the House. The Mover himself has also had an opportunity of giving us a long speech on this subject seemingly attributing the chief causes of these communal troubles to separate representation and separate electorates.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : I never said a word, Sir, to this effect.

Nawab Sir Sahibzada Abdul Qaiyum : I mean the Honourable Member who has moved for the adjournment of the debate.

Lala Lajpat Rai : I never said a word to this effect in my speech on the Bill to amend the Criminal Procedure Code.

Nawab Sir Sahibzada Abdul Qaiyum : I cannot quote his exact words just now, but I can refer him to his speech as a whole. It at least implied—the words may not be there—but the whole speech implied that the root cause of our communal troubles was separate representation and separate electorates. Having gone that far, it is no use putting a stop to the discussion. Let people who feel on this point have the opportunity of speaking on the subject, like the Mover of the motion. I myself do not see how we can legislate on a delicate question like this. It will be very difficult to put it into law with a view to controlling communal troubles, but I as a layman, Sir, from an area where things are run in a more practical way (Hear, hear), can suggest a rough remedy. My suggestion is this, Sir, that if we can only allow the Government....

Mr. President : The Honourable Member will remember that this is a motion for adjournment. We are not now considering the merits of the Resolution.

Nawab Sir Sahibzada Abdul Qaiyum : I shall be very brief ; I am not going to discuss the merits of the case. What I want to explain is this that something useful may still emerge from a debate on the subject, and if nothing else emerges in the form of an Act of the Legislature, at least we may permit the Government of India, if any permission is required, to pass an Ordinance, like the Bengal Ordinance, and authorise the Government that whenever anybody interferes with a religious procession or a religious sacrifice or anything of the sort, he should be fired on and shot like a rabid dog. That is what should be suggested in the matter by the House if we are really earnest in putting a stop to these troubles. Or, Sir, we may authorise or rather advise the Government to suspend the laws of the country for a time, so that the two communities may fight it out amongst themselves and come to some definite conclusion. It is no use, Sir, postponing the evil day any longer. The evil is there, the causes of friction are there, and it is no use concealing the true facts. For this reason, Sir, I oppose the motion for adjournment.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I must make my position perfectly clear in regard to this matter. The position is this. A Resolution was moved at considerable length by my Honourable friend, Maulvi Muhammad Yakub. To that an amendment was moved by Diwan Bahadur Rangachariar. The question that is agitated in connection with this Resolution is one of the utmost importance at the present moment. It is the crying question of India, and certainly, Sir, I could not as the Member in charge for Government allow two

speeches to stand on record with no reply on behalf of the Government. I must therefore oppose the motion.

Mr. President : The question is :

" That the further debate on this Resolution be adjourned *sine die*."

The motion was negative.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, coming as I do from the Province of Bengal, which has been the battlefield of Kurukshetra (Laughter) fought between the two communities for the last five months since Friday, the 2nd April last, when an altercation took place owing to an Arya Samaj procession with music passing along Harrison Road close by the mosque of Dino Muhammad, it has become, Sir, absolutely necessary for me that I should take part in this debate and make certain observations on the point which is at issue before this House to-day. The main point of the Resolution, Sir, is that the Government shculd take up legislation to regulate the performance of religious festivals, rites and ceremonies of the different communities living in India. And the amendment of my Honourable friend Diwan Bahadur Rangachariar is that Government should convene an all-India conference of selected leaders and experienced officials—to do what?—to examine the present communal situation and make recommendations to regulate the performance of religious festivals, rights and ceremonies of the different communities in India. We had, Sir, in the premier city of Calcutta great bloodshed, pillage, incendiaryism. Many were killed, shot and wounded. Mosques and temples were desecrated; houses and shops were plundered. We had also on the other hand many meetings of the leaders of the different communities which lasted for many days. Meetings after meetings were held to settle the differences of these two important communities without any result. We had also at the Government House at Calcutta, presided over by our Governor, many meetings but everything ended in nothing. Both the Government and the leaders tried their best to settle the matter. Finally, Sir, my Government arrived at a decision with regard to the question of music before mosques in the town of Calcutta only, when the situation became very grave. Music was stopped at all hours of the day before the Nakhoda Mosque and with regard to other mosques in the town of Calcutta during the congregational worship or prayer, that is, five times daily.

Now, Sir, coming to the terms of the Resolution and the amendment before the House, it does not seem to me at all possible or feasible, at this time, when all the elected Members of the Indian Legislature (this House and the other), as well as the other provincial Councils will be engaged and very busy in the forthcoming elections, that the leaders of the country will be able to attend any meetings which are to be convened. Besides, there is little hope that the Hindu and Muhammadan leaders will agree to accept any terms of compromise. This has been testified already in the country and the Mover has already stated in his opening speech that this has failed already so many times. Since both the communities are so interested in dealing with a subject of this kind, I venture to think that it should be left to the Government altogether. Government is the only natural agency to deal with it. I do not believe, Sir, that any useful purpose will be served by convening an all-India conference or, as the Mover of the Resolution has said, that the best course for the Government of India would be before undertaking any legislation to invite the

leaders of the different communities to a round table conference. The House is well aware that all the leaders at present are also very much interested and that they are only trying to establish their leadership over each other and one another in the country at the cost of the dumb millions. The interest of these leaders therefore clashes amongst themselves. Now, Sir, my Honourable friend from Madras, while moving his amendment did not disclose at all what the causes of the communal differences were. He and the Mover of the Resolution have been trying to apply the ointment or medicine to the sore without diagnosing the diseases or germs of diseases of our communal riots in the country ; and, as I had already stated, Government's opinion is the best of all the opinions of the interested leaders of the country who are suffering from the disease themselves. On the other hand, Sir, there is every risk and danger in holding or convening a leaders' conference. It will only mislead the Government and their sound advice to both the communities to be followed and acted upon accordingly. The other day, Sir :

" In the interview, which he has given to the *Westminster Gazette*, Lord Lytton, (Governor of Bengal), traces the main cause of the riots in Calcutta to the rivalries roused by the Indianization of the administration. Between the educated men the division of the loaves and fishes in the services is undoubtedly a cause of discord, but before these quarrels penetrate to the minds of the uneducated masses a wholly different sentiment has to be brought into play. "Music before mosques" and the "killing of cows" are in fact the translation into cries understandable by the people at large of communal differences that really take their origin in the struggle for political power. A political issue in the higher sections of the communities is carried down to the masses by rousing age-old passion about religious observances. The distinction between the two as well as their close connection must be kept clear in mind. A settlement of the religious quarrel does not necessarily imply a settlement of the political struggle. All that it will do is to deprive the two communities of the dangerous weapon by means of which the political quarrel is carried on. It will take the administrative question out of the sphere of mob-passion and enable it to be dealt with as a legislative and administrative problem."

" That the ground should be cleared in this way we believe to be essential to peace, and on Sunday we outlined, roughly enough, the terms upon which the two communities could come to an understanding. We have not suggested that these terms do not involve considerable sacrifices of the claims made on either side. They do. Without such surrenders no peace is possible except the peace that is kept by the Government, acting through the instruments of the police and the military forces. In nearly all countries it is customary to stop bands playing while passing churches in which service is in progress, while passing hospitals, and while passing houses in which persons are known to be dangerously ill. That silence is enforced by no law beyond that of good feeling and good citizenship. The Muhammadans are entitled to appeal to those sentiments. "

Mr. President : Order, order. The Honourable Member must resume his own speech.

Mr. K. Ahmed : I will resume my own speech, Sir. The quotation that I have given is from the greatest authority of the province, namely, a Governor. He has come in contact with all sorts of leaders.

I am not at all, Sir, less eager than my friend, the Mover of the Resolution and my Honourable friend, Mr. Rangachariar, to see a settlement of these communal troubles. I also tabled a Resolution of the kind during the last Session at Delhi just before communal riot broke out so virulently in Calcutta and though, Mr. President, you had allowed my Resolution to be moved, it was disallowed by His Excellency the Governor General of India under Rule 22, clause (1) of the Indian Legislative Rules on the ground that it related to matters which were not primarily the concern of the Governor General in Council. I was also, Sir, ready to move the adjournment of the House on the 10th

opening day, for the purpose of calling the attention of the Government of India to the present communal trouble in the country and the action of the Government to bring about an early settlement.

But as I had to wait and see the result of the ballot of the 17th of August, when this Resolution was ballotted, I had to postpone doing the same.

Sir, from the statement of Lord Lytton that he made to the representative of the *Westminster Gazette* it is clear that the settlement depends on the settlement of the Indianization of the administration because it has naturally led to rivalry and disturbances between the Hindu and Muhammadan elements that compete for power. The representation on the Legislature granted to the Muhammadans under the Reforms is inadequate in the provinces of Bengal and the Punjab. The Reforms Inquiry Committee has already made inquiries into the matter and has already submitted its report. The All-India Muslim League has repeatedly demanded from the Government (my Honourable friend the Home Member is looking at me), all our needs and requirements. We, Muhammadans, have been waiting so long hoping that the benefits of the Reforms would be given to us as early as possible, but everything has been denied to us for so long. We have not got our adequate share in the public services. Our people have become impatient and they cannot wait any longer. The sooner it is given to us the better both for the Government and the country. Under these circumstances, Sir, I beg to oppose both the Resolution and the amendment of my friend Diwan Bahadur T. Rangachariar.

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, the present situation is a matter of very great concern to the minority communities in India and to all concerned with their welfare. I shall give very shortly some of the reasons for this. Every minority community is affected by the demands made by any of the major communities. Every demand thus conceded limits the opportunity of the smaller minorities, who have now come to believe that if this limitation continues they are bound to go to the wall. For many years I lived in Lahore, and thus I have had experience of the two great provinces in India, the Punjab and Bengal, where the inter-communal question to-day has become such a burning one. I have witnessed the riots in Calcutta and have seen communal feeling aroused in both these provinces and, while I have realised that the Moslem community suffer from grave handicaps, I cannot but utter a word of warning this morning. Largely, as far as I can make out, the quarrel has been one of posts and positions and this has embittered the situation. This Resolution refers to religion, religious rites and religious ceremonies. I wonder whether we really know what we are referring to when we speak in the name of religion. Religion really is the means, psychologically, if I may so put it, the method by which communities come to a common expression. There are communities in the world which use other modes of expression of the common mind, but in India, when the communities thus express themselves, they express it in terms of religion. I was a member of the Unity Conference,—not a prominent member, I kept my mouth mostly shut,—during those great days in Delhi. As I watched the proceedings of the Unity Conference, I began to speculate on the situation in India. It seemed to me that we were all united in and were perfectly willing to distribute

the benefits of the next world amongst ourselves but not the benefits of this world. That is a cynical observation to make, but the truth of it came home to me as I sat in the Conference. What is it that India is suffering from ? India is suffering from wide-spread unrest and the present tension is part of the unrest of India. Fundamentally, it seems to me that the Mussalman (and not only he but others too) is the victim of the economic situation of this country. He is suffering from a feeling that the things of the world are not being divided equally and with any sense of justice. Now, that is the chronic situation in India. Every now and then it flares up. And why does it flare up ? Because that chronic unrest is being used by persons for their own personal and selfish ends. That, to my mind, is the trouble in India to-day.

Now, Sir, if my analysis of the situation is correct, how are we going to meet it ? What are we going to do for the future ? Is this conference which has been proposed going to do any good ? This conference proposes to deal with matters of religion, religious rites and those sort of things. But there are things which are more fundamental than these expressions of religious fervour. Religion is a mere expression of a deeper discontent. Well, Sir, that being my analysis, I should like to say one or two words with regard to this conference. I do not believe it is up to me, a member and the representative of a small minority community, to record a vote here. It is a question for the bigger and greater communities to settle. Now there are several prerequisites which are essential for this conference ; otherwise it will prove a failure. The first prerequisite to me is a psychological one, namely, the will to unite. Is there a will to unite ? If there is not, a conference such as this will prove abortive. As I look round the leaders, I sometimes wonder whether there is really at bottom a will to unite. I doubt it. But I am not pessimistic of the younger generation. I have lived in Calcutta during the last troublous days and I have seen quite a good deal of the younger men in Calcutta, of all communities. It seems to me that there is among them a feeling and a desire that there should be a better day. They are not out to use this chronic unrest of the country for their own purposes. There is a street in Calcutta called Machua Bazaar Street which was the scene of the worst riots and where the firing from armoured cars took place. I know of a hostel which has a large majority of Hindu students, with a few Muslim, Christian, and Sikh students. Opposite to this hostel there is a large Mussalman *basti* consisting of humble artisans and labourers. Now, these Hindu students resolved that they would help the Mussalman boys who were their neighbours, and every week open up their play-ground for the entertainment and recreation of these.

I believe in their ordinary life these young men have demonstrated what I may call the will to unite. The Hindu has a tremendous responsibility. Wealth is on his side, influence is on his side, is he going to use it for the minority communities of this country ? If he is, you will get unity. The other day I heard my friend Maulvi Muhammad Yakub speak and he uttered one sentence in his speech of which I have a vivid recollection. He said "Our festivals have been turned into days of mourning", and I felt my Honourable friend Maulvi Muhammad Yakub was beginning to have the will to unite. It may be that this prerequisite may be present in a larger measure than we realize.

There is another prerequisite necessary before a conference can be successful, and I would turn for a moment to that front Bench of this House, the Government of India. Sir, it is one of the tragedies of our time that for the last 30 or 40 years the Government of India have been losing the moral leadership of this country. Thirty or forty years ago the Government of India did have the moral leadership of this country. What they said, men listened to ; they said words that inspired and the people were willing to follow their leadership. To-day, when a critical situation arises in this country, we in this House realize what happens : the clauses of the Indian Penal Code, or the Criminal Procedure Code, are further strengthened at the instance of that front Bench. Yes, that may be necessary, probably is necessary, I have not a word to say against it ; but there is something bigger in this country that the Government of India can do and ought to do. Sir, why is that leadership which I spoke of gone ? I sometimes wonder whether the Government of India is not tied too closely to another, shall I say cynical authority eight thousand miles away, too much subject to the dictation of people who do not realize what the situation is, and are more concerned with their own interest. I wonder if the Government of India cannot get free from this bondage and use its authority to become again the moral leaders of this country

Sir Walter Willson : (Associated Chambers of Commerce : Nominated Non-Official) : What does the Assembly say when it does ?

Dr. S. K. Datta : The Government of India has not made to this Assembly an appeal to its moral sense. Sir, the speech of His Excellency the Viceroy the other day before the Chelmsford Club gave us hope again, those of us who belong to the minority communities, and whose interests are not a matter of concern to the others, that there would be a renewed leadership, and that the Government of India would lead this country back to tranquillity. That is all I have to say. I believe that is the greatest thing His Excellency the Viceroy and Governor General of India can do ; he has to lead us into peace and tranquillity and I do trust that the Government of India will accept that burden casting aside the trammels that bind them, and I can assure them that they will have the backing of all men of goodwill in this country.

Sir Denys Bray (Foreign Secretary) : Sir, I think the last two speeches we have heard are a proof of the impropriety (shall I say ?) of my Honourable friend Mr. Lajpat Rai's motion for adjournment. My Honourable friend Dr. Datta has just delivered one of his characteristic speeches, suggestive, philosophical—though marred in one place, I thought, by a narrow cynicism—a speech coming from the representative of a small minority community which, as I believe, has in essence a contribution to make to this most difficult question. To the speech of my Honourable friend Mr. K. Ahmed I began to listen with much trepidation. But there is something in this debate which has a sobering influence even on the martial ardour and the unquenchable humour of my friend. There is a challenge in this debate. It has proved too much for the natural inertia of a professionally silent Member like myself. The challenge is imperative. For strip the motion and the amendments of their trappings and trimmings, and there stands bare a matter which comes home more shrewdly to men's business and bosoms than any yet debated in this House. The very restraint with which the House has discussed the

business before us bespeaks its great difficulty, its desperate gravity, for when bitterness of the heart—and this is what was at the back of my Honourable friend's motion for adjournment—when bitterness of heart can drive angry words so easily across the barrier of our lips, nothing but a sense of responsibility, a great sense of the immeasurable dangers of irresponsibility, can force us to couch our hopes, our fears in sober language. Our restraint has been impressive ; but it has been surely natural enough. For once you set foreign aggression aside, there is no national business more crucial than a continuing menace to civil peace.

Hence, Sir, is it not lamentable that the Swaraj Party, which I had thought had something constructive to bring to our counsels on this matter, should have held itself aloof ? Lamentable three-fold that it should have come back to us for a material issue—however important a Currency Bill may be—and should have turned away forthwith from an issue that touches the very spiritual being of India. (Hear, hear.) I tried to school myself into feeling some spark of the ideal in non-co-operation, for I always feel myself better equipped to meet my opponent when I can grip and grasp the measure of right that is on his side. But if non-co-operation, or whatever the fleeting party label now may be, spells public and well-advertised co-operation over the material, the non-essential, the sordid, and the holding aloof from the very essence, as it seems to me, of India's spiritual being, then India, if she is true to herself, will have done with non-co-operation, here, now and for ever.

The soberness and restraint with which we who are left in this House have approached this debate has not been won by any shirking or cowardly veiling of the issue. Far from it. There have been words spoken in this debate, weighty, wrung from the heart, instinct with sincerity, such as my memory at least can find no parallel for in our debates. There has been that cry, raised insistently, that the leaders of the two communities have left undone those things that they ought to have done, and have done those things they ought not to have done : that the leaders have failed ; that they have lacked the courage—of all forms of courage I am inclined to rate it highest—of attempting to stem the flood of passion that has been sweeping their followers from every semblance of loyalty to Mother India. The cry has been raised not merely by a follower here or a follower there but—theirs be the honour—from men who are leaders indeed. And here surely there is a glimmer of hope. For the recognition of failure, still more the public confession of failure, is the first stumbling step on the retracing of that difficult road that leads to success. And there has been that cry that unless India can rise superior to this hideous communal trouble, this House is vain ; our labours are vain ; all our hopes that are centred in this House are vain ; all that this House stands for is vain. The cry came from a quarter which on a superficial analysis might have been expected least to raise it. Then there was that other cry—an exceeding bitter cry—that it rests with Government alone, that Government alone has the power to overcome this trouble, that without the driving force of Government India can do nothing. Dr. Datta expressed that cry in a somewhat different form. Government can do, has done, much. It can do, has done, much in what I may call the material sphere by the imposition of law and order. It can do, it has done and it will do much in what my friend Dr. Datta calls response to a moral appeal. Government to-day

is making a moral appeal to India ; and the greater the response to that appeal the greater will be the power of Government to give India in this matter a moral lead. When people who ordinarily do not call upon Government for help raise the cry for help in a matter so intensely important to India the sincerity of the cry becomes doubly vivid. Who could not feel it ? But what Government cannot do is to cure the disease itself—a disease which is within. It can tackle the outward and visible signs of this inward and spiritual disgrace that is eating into the heart of India. But the cure itself must come not from without but from within.

And this brings me back to the first speech of the debate. For I, like Dr. Datta, was greatly touched by that passage in the speech of my Honourable friend, Maulvi Muhammad Yakub, in which he said that Indian family life with its simple joys and glad festivals and pious holidays was being robbed of its happiness. And when I heard those words—simple as they were, they were to my ears the most touching I have heard in this House,—I could not help feeling that here at last was a clue to the solution of a problem which at times oppresses us with its almost insoluble difficulty. Let that cry run through the length and breadth of India ; and, God willing, we shall find that the salvation of India does not rest with the politicians or the officials but with India's women and children who shall impel the manhood of India to restore to them that happiness of home and family and social life without which life itself is not worth living.

The Honourable Sir Alexander Muddiman : Sir, if I rise rather early in this debate it is with the object as far as possible of seeing it continue on the lines on which it has so far progressed. In my judgment a debate conducted as this debate appears likely to be, cannot fail to be of considerable benefit to the general situation. I think if this Assembly had passed the whole of its life without raising its voice to discuss what is admittedly the greatest pending question of the hour, those who will examine the work of this Assembly would be forced to criticise it unfavourably. Sir, conspiracies of silence are useless. If this Assembly will never face facts, then we shall not get very far. That the debate should have taken place at the end of the last Session of this Assembly, in this comparatively thinly attended House, is to me a matter for regret. I cannot believe that those who are absent will, when they think over the consequences of their action and the importance of this debate, not regret their absence.

Now, Sir, before I enter into a discussion of the detailed terms of the Resolution and the amendment, with your permission, I should like to make a few general remarks. Let me say, in the first place, how, like my Honourable friend, Sir Denys Bray, I was struck by the earnestness of the speeches on the first day. I mean the speeches made by Maulvi Muhammad Yakub and Diwan Bahadur Rangachariar. I saw there the augury of a better feeling between the communities, for alas ! I recall different language between the two speakers on a previous occasion. Sir, I propose, in the first place, to examine the duties of Government in regard to this question. They are duties of a different character but equally, in my judgment, important. They are the primary duty of maintaining law and order and the equally important duty of bringing peace and conciliation between the two communities.

The duties of Government are two-fold. They are not unmindful, as my Honourable friend Dr. Datta apparently thinks, of the moral appeal. I deny that. I also comment on the fact in passing that a citizen "of no mean city" who is a Member of this Assembly is wrong when he says that he will not vote on a question which is of the greatest importance to all communities. That is not the true spirit of citizenship.

Now, Sir, I will take, since it is well that I should put that in the forefront of my speech, the duty of Government, to use all means within its power to bring conciliation and peace to the warring parties. In my judgment, no Government should neglect any opportunity of endeavouring to influence feeling among both communities in the direction of sobriety and sanity. Sir, fortunately, I am on favourable ground here, for a very remarkable example of the exercise of that duty has taken place recently. I refer to the speech of His Excellency the Viceroy at the Chelmsford Club. That was the speech of a statesman who certainly made a moral appeal of the highest character, an appeal which, I am thankful to see, has been well received on all sides and has, in my judgment, produced a very salutary effect. Now, Sir, although, as I say, I place in the forefront the duty of conciliation there is another and an equally important duty that this Government have to fulfil, a duty which if it fails to fulfil, it would be entirely false to its own ideals and constitution. That is the duty of maintaining law and order, and I think it is worth while repeating in this connection a passage in His Excellency the Viceroy's speech at the opening of this Assembly. I regard those two speeches as pendants to one another. I regard the Chelmsford Club speech as the discharge of the duty of a moral appeal, I regard the speech of His Excellency at the opening day of this Assembly as illustrating the second duty, which is equally incumbent on Government. His Excellency said :

" But meanwhile, we have obligations to law-abiding citizens. Although indeed these matters are the primary concern of Provincial Governments, the form in which they are now emerging has, in a real sense, made them of all-India interest. While it is no part of the functions of the Executive Government to ascertain or determine in any judicial sense the private rights of citizens,—for an elaborate system of courts has been provided for that purpose—it is the undoubted duty of the executive authorities to secure that, subject to the rights of others and the preservation of the public peace, the enjoyment of those rights is secured to the individual. That duty the Government of India in co-operation with the Local Governments desire should be performed with fairness and scrupulous impartiality".

Now, Sir, it has often been said, I have heard it said, that the Government of India have no policy in these matters. The fact is that the policy of the Government of India is to maintain law and order and promote conciliation, and that is a policy in which, I trust, we shall have the entire support of this House. It is the only policy that a Government can adopt.

If the House will bear with me, I would like to examine that proposition a little more closely. I have said that these are the two aspects of the responsibilities of Government towards the present situation. Now, in using the word "Government", I use it in the widest sense; I use it to include the Government of India, the Local Governments and all the Government officials who are charged with any duties in connection with this question. It is important that that should be borne in mind, for each in their respective spheres has very definite duties to perform. We must be careful, when we consider this problem, to bear this limitation in mind,

for there are no short cuts to the happy isles and there is no fairy queen who by waving her wand can dispel the demons of discord and hatred. It is by work and not by words that help will come. It is by steady and concentrated effort, each within his own proper limitations, that good may be hoped to be effected. It is no use imagining that the Government of India can go down and decide disputes in every village. That is not the function of the Government of India. The Government of India must administer through the Local Governments, and again the Local Governments must administer through their agents, the local officers. The question we are discussing is no new one. It has agitated the minds of those who have administered India for many years. That, I think, will be admitted, and I do not propose to dig into ancient history. I will, however, refer to two definite efforts that have been made by the Government of India in comparatively recent years to ameliorate the communal situation. In 1915 and again in 1924 the Government of India drew the attention of the Local Governments to the question of conciliation in connection with communal trouble. In 1924 the writing was large on the wall. It was in Lord Reading's Government, and I was then Home Member. We addressed the Local Governments, and we got very much the same replies as those received in 1915, and I should like to say here that those replies show that in the provinces mainly concerned, the question was most carefully considered and they contained a really remarkable wealth of administrative experience. It is quite evident that the officers who sent the answers definitely and very carefully applied their minds to the issues which were put before them. Two things emerge very clearly. The first is that there is not any doubt whatever, that wherever communal trouble has taken place or is likely to take place, every effort has been made to enlist non-official co-operation in checking that trouble. That emerges very very clearly. I am always hearing it said : "Why don't you write to Local Governments and to your officers and say you must get in the help of the leading men of the place?" Well, as I say, it is quite evident that that is the attempt of every officer in every district, where there is likely to be trouble. It is well that I should speak quite definitely on that point, because in another place yesterday I heard rather a different suggestion. It is impossible within the limits of human power to prevent trouble arising in all cases, but that there has been any lapse, speaking in general terms, in endeavouring to bring the two parties together, I must most emphatically deny. The second thing—and it is a very interesting point and I commend it to the careful consideration of the House—is that all experience appears to show that the more localised the support you have, the more effective it is. It is the local men who can really help in these communal troubles. It has been said, Sir, that the political leaders have failed. I have no wish to criticise anyone. They must answer for themselves. But it is clear that in times of trouble, men turn to the people of their own hamlet, of their own *mohalla*, the *busti-wallah*, they go to the men they know who can do them some good. It is not so easy for men who are not personally known to have the same salutary effect. I must quote to the House a very short extract—the view of an experienced Commissioner—I will not give his name—but who I can assure the House has been particularly tactful in his handling quite recently of very serious communal trouble :

"The consequences of disturbances can be brought home to the classes most nearly concerned by those possessing immediate influence on particular sections of the community. These will be more frequently unknown to the higher classes of officials and

of non-officials : obscure *chowdris* of bazaars, unconsidered *lambardars* or rural notables unrecognised by any official title."

Those are the conciliators in local disputes. Now, that point I have not brought forward merely for the sake of reading the extract. I have brought it forward because it has a very important connection with the matter we have under consideration. I regard a new development in their disputes as one of the greatest dangers it is possible to have ; it is a danger that cannot be avoided with the advance in communications and the rapidity with which news spreads, some of it true and some of it false. It is this. My own experience which goes back some years is that in the past these disputes were generally particular. They were particular in this sense. They were in regard to a particular mosque, in regard to a particular place. Now, there is undoubtedly a tendency to treat a particular dispute regarding a particular place as a general question affecting or purporting to affect all Hindus or Muhammadans throughout India. And that is a most serious menace to my mind. It is quite clear from the papers I have had occasion to examine in connection with some of the recent occurrences that have taken place that there have been occasions when the people of the locality were perfectly willing to come to terms had it not been for the interference of outsiders.

Now, I have endeavoured to show that the Government of India does not sit silent on the hill-top regardless of what is going on down below. But where, I ask, is help to come from ? Where, I ask, must reform begin ? Is it at the top or at the bottom ? Are we to influence the masses or are we to interest the leaders ? *Ex hypothesi*, according to all statements, the leaders are willing to compromise. If that is true, then there is no need to approach them. They are convinced, but they cannot influence others. Who then are the people we have got to get at ? The masses. And how can the Government of India reach the masses ? Sir, in one way only. In the way we have always reached the masses and in which we still reach them : through our local officers. Those local officers can obtain their directions on important questions of principle from their Local Government and the Government of India can indicate its general policy : that is undoubtedly the case. But it must be through our local officers. And what are you going to do on your side ? You are all going to-morrow. This House will very shortly be dissolved. Honourable Members will be living, some in towns, others in their villages, and what can they do ? They can all do something to tell their neighbours, to explain to their more ignorant fellow inhabitants what this state of affairs means and how necessary it is to put a stop to it. Now, we can do it through our officers ; Honourable Members can do it themselves or through their friends and through those they know have influence locally. To my mind that is where much may be done. Much may be done by working on the masses below. The leaders—they also, if they lead, can influence public opinion. But it is not by hiding our heads in a bag and refusing to face the situation, that anything will be effected. Now, I have been very much struck—I should not be frank if I did not tell the House—I have been very much struck by the fact that in the debates of this House, whenever anything of this kind has come up, speakers of a certain community in this House have mainly come from Southern India where this communal tension does not exist as it does in other parts of India. That is a very striking fact and I hope to-day we shall have some clear statements of what the views of those who are more particularly affected are in the matter.

I think a frank pronouncement of a desire to co-operate in putting an end to these serious troubles would have a very valuable effect.

Now, Sir, I do not propose to deal at length with the actual terms of either the Resolution or the amendment, but I must say a few words on them. My friend Maulvi Muhammad Yakub wants immediate legislation: my friend Diwan Bahadur Rangachariar wants a committee which probably would recommend legislation. It is true that he does not in so many terms say that, but I take it that that is the real difference between the Resolution and the amendment. Well, Sir, I do not think it could be seriously argued that any Government could possibly take up legislation on the lines suggested. The Resolution, if you read it carefully, would ask for the widest interference with religious rites.

Maulvi Muhammad Yakub : Sir, I have already expressed my intention of accepting the amendment of Diwan Bahadur Rangachariar, and I accept it.

The Honourable Sir Alexander Muddiman : Still, that would hardly prevent my commenting on the terms of the Resolution. However, I do not wish to take up the time of the House in doing so. I take it that the Honourable Member really wishes to say that he recognises his Resolution goes too far and he is prepared to withdraw it. I then turn to the amendment, which only varies a degree from the actual Resolution. It involves the establishment of a committee, an all-India conference of selected leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations to regulate the performance of religious festivals, rites and ceremonies of the different communities in India. Now, that course is very very wide. It would involve inquiry, travelling over the whole of India, dealing with communities so different as the Christian and the Hindu, the Sikh and the Muhammadan, and there would be various other communities. (*Sir Hari Singh Gour* : "And innumerable customs.") And my Honourable friend, Sir Hari Singh Gour, says "innumerable customs." I do not think that an inquiry of that kind unless undertaken in circumstances where all the communities were earnestly desirous of obtaining the best results, would have any useful results. At a time when communal feeling is certainly not in that frame of mind, when the judicial examination of the question is not likely to be undertaken in a sober spirit, I fear that that in itself would be a very serious objection to the proposal.

Mr. K. Ahmed : Who abolished *Sati* during the time of Lord Bentinck? (Laughter.)

The Honourable Sir Alexander Muddiman : I do not think it is necessary to deal with my Honourable friend on this occasion. As I said, the scope of the inquiry is far too wide to promise any useful result at any time. It would be an inquiry which, if it succeeded, would require the regulation of religious practices to an extent that I doubt if any legislature, composed such as ours is, could possibly undertake, and any Government, composed as ours is, could accept. The adjustment of rights between the different religious bodies—I use the word "rights" advisedly—is a matter on which it is extremely difficult to legislate. Where civil power can rightly impinge on religious observances is in the interests of public peace, in the interests of decency and in the interests of law and order.

Any Government will be very unwise to legislate on such matters and a Government such as ours, which has claimed to grant complete tolerance of all religions, will be going back on the traditions which have been maintained unchallenged during the whole of our administration. While I make these criticisms—and there are other criticisms which could occur to me on the amendment—I am glad that my Honourable friend has brought it forward. I am sure that it was brought forward not in any spirit or with any desire to embarrass the executive Government or with any desire to create ill-feeling between the communities. It was brought forward perfectly *bona fide* and with every wish to assist us and I thank him for bringing it forward, though for the reasons I have stated, I am not in a position to accept it.

One other point that occurs to me is that any meeting of that kind, which was of an inquisitorial character and which endeavoured to settle disputed points would inevitably raise those very disputes which I am sure my Honourable friend is most anxious to avoid. Sir, the causes of these communal troubles I do not propose here and now to review. They are, I think, known in greater part to all the Members of this House. Those causes lie deep. They lie, as Sir Denys Bray in his very eloquent speech said, deeper than the material treatment of penal laws. They lie deeper than penal enactments. In any measure that I have brought forward before this House I have never put forward the argument that increased power, increased penal provision, will cure an evil of this kind. The House will be doing me justice to say that I have not employed that argument. I do not believe it and I have no wish at any time to use it as a ground for bringing forward that class of legislation. The cure for the disease which India is suffering from lies far deeper than that. It is to be found in the considerations which were so eloquently put forward in the speech of Sir Denys Bray. It is to be found in the words of His Excellency the Viceroy's speech to the Chelmsford Club.

In conclusion I cannot help feeling that this debate will have served a very useful purpose even if it does not go much further. It has enabled the House to express its views on this very important question, to express them with dignity and restraint and it has enabled the Government to show that it is neither unmindful nor neglectful of the duties of Government in regard to this matter.

Raja Ghazanfar Ali Khan (North Punjab : Muhammadan) : I had no mind to take part in the discussion to-day but I am rising in response to the appeal made by the Honourable the Home Member that he was very anxious to hear somebody from the area which was more affected by these communal riots. In my opinion the picture which has been drawn of these communal riots is darker than it actually is. I do not think the disease is so deep as the Honourable the Home Member thinks and I do not think the remedy is so very difficult. It is not the masses who are really anxious to fight but I think it is only a few leaders of both communities—not those responsible leaders, but unimportant men who for selfish motive are creating these troubles. Really, Sir, the differences between Muhammadans and Hindus in this country are not very great. With a little more understanding and with a little more education I think they can be settled at any time. I am afraid too much is being made of the situation. I do not know what are the reasons for that. After all, in such a big country as India, there is bound to be some clash, some bad feeling, and

some trouble. But I think that if only the leaders of both the communities would seriously make up their minds and if they would realise that the situation is getting more serious every day, they can stop these quarrels in no time.

I was very pleased to hear from the Honourable the Home Member that he realises that the functions of the Government of India are two-fold. The first is the maintenance of law and order and the other is bringing in peace and reconciliation. When the Government realise that their object is not only to maintain law and order but also to bring in peace and reconciliation, I was very much disappointed to hear that the Honourable the Home Member was not prepared to accept this amendment which contains such a very reasonable demand. After all, what is it? It only recommends to Government to convene a meeting of the leaders of the various communities who will sit together and consider whether they can find out some means of settling these differences. As has been pointed out by many speakers before me, His Excellency the Viceroy has already impressed the hearts of many public men by his frankness and sincerity and I think if the Government were to accept this amendment and call such a conference, they will not only provide a great opportunity to the new Viceroy to come in close touch with the various members of the different communities but it will also be regarded as a serious and sincere step in the direction of Government's trying to bring about a reconciliation. After all, what harm would possibly come out of this conference! The worst thing which can happen—and which I do not think will happen—is that the conference will not be able to arrive at some definite decision. But what harm will be done? The situation will not grow more serious than it is at present. Sir, if one were seriously to consider the change that has taken place during the last 7 or 8 months, it is quite enough to convince any body, who has got the slightest love for this country, that matters are growing serious. I have been here in this House for the last three years and formerly, at every meeting, we used to talk about constitutional advance, we used to talk about Swaraj, we used to talk about our political rights. But now I do not hear a word about it either on the floor of this House, or in the lobbies, or in our private talks, or in our social gatherings. So this alone is enough to convince all the Indian leaders and all the communities that things are taking a very bad turn.

Nawab Sir Sahibzada Abdul Qaiyum : And still you say it is not very serious.

Raja Ghazarfar Ali Khan : I say it is not very serious when I hear such phrases, as "the disease is very deep" and "the remedy is very difficult". I do not believe it. I think it is not so deep. (*An Honourable Member : "Question."*) The recent riot at Delhi which took place about two or three days back only proves that the feelings are very much strained and no legislation can help to bring about a reconciliation. That a trifling quarrel between a Hindu peon and a Muslim shopkeeper should lead to a communal riot resulting in so many casualties on both sides, is really a great shame.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : What does that indicate?

Raja Ghazarfar Ali Khan : It indicates that the feelings of both the communities have been strained by the mischievous propaganda, by the

inflammatory speeches, by organising communal parties, and so on. Much has been made of music before mosques, cow slaughter and other things. These questions are not so serious that we cannot find a solution of them if we want to. There are only two ways of dealing with them. Either we should declare that everybody has got his own civil rights, and nobody has got any business to interfere with him, and that neither the Muhammadans have the right to stop music before mosques, nor the Hindus have the right to dictate to the Muhammadans that they should not take cows for slaughter along a certain route, or, if we think that there is no such thing as 'absolute right', then we can come to an agreement differently. We can tell the Hindus : " You please have some respect for our prayers and stop the music at prayer time. It will do you no harm." On the other hand, they can approach and request us : " Do not take the cows along a certain route because it is mainly populated by Hindus ". In my city there were serious rumours that a riot might take place. Some of our Hindu friends had a talk with us about it. We said that we need not go to the court or the Government and that no trouble would arise. The matter was mutually decided in ten minutes.

Mr. K. Ahmed : What happened at Rawalpindi ?

Raja Ghazanfar Ali Khan : I am not here to give all the details of the riots that took place in various parts of the country. I am here to suggest in my own humble way, a solution of these. In my opinion if the conference is called they can very easily deal with three or four matters, which, in my opinion, are mainly responsible for the present state of affairs in the country. The first is the communal volunteers, whether they are Tanzeem or they are Mahabir Dal. They prove a source of trouble and menace. They must be given up. Mixed citizen guards of all the communities should be substituted. That is a question which can be decided at the conference. The second is these physical communal *akharas*. Every community has got a right to develop its physical strength by taking physical exercises, but the time when they were started and the way their physical strength is displayed in the bazaars are not likely to improve the situation. So no harm will be done if these *akharas* are thrown open to members of all communities. The third thing which has got into the minds of the masses is the question of conversion by unfair means. I do not think there is much in it, but any how this is a matter which through some irresponsible papers have poisoned the minds of religious people. I do not want to waste the time of the House by relating all the various things which are responsible for these communal riots. But the points which I have just placed before the House are such as can very easily be gone into by the leaders of all the communities. The only reason why the unity conferences of the leaders have hitherto failed is that other irrelevant questions have been allowed to creep into the discussion. If the Government can restrict the object of the conference to these four or five questions alone I am sure there will be no difficulty in arriving at a conclusion. In private conferences political questions are brought forward : the question of the number of seats, the question of separate and mixed electorates. These matters have absolutely nothing to do with the present troubles. There may be a group in the country who do not want separate electorates. But we can fight out the issue in a constitutional way. These political questions should not be mixed up with the religious question. We should deal with them separately, in the many constitutional ways open to us.

Nawab Sir Sahibzada Abdul Qaiyum : May I ask with your permission, Sir, what will be the composition of the conference, how are the Government to select the members, what should be the proportion of members of the different communities and who will appoint them ?

Raja Ghazanfar Ali Khan : I do not care about that. It is absolutely immaterial to my mind what the proportion of members of the various communities should be. There is His Excellency the Viceroy, the Home Member and the provincial Governors. The Viceroy can write to all the Governors of Provinces and ask them to nominate to that conference men who they think are really responsible men and have influence with their community. There will be no difficulty in finding such men. If anybody asks me I can give him the names and I would not miss out a single important man.

Nawab Sir Sahibzada Abdul Qaiyum : What about the so-called favouritism to Muslims ? There are suspicions.

Raja Ghazanfar Ali Khan : I do not take these rumours seriously. If somebody says the Government is showing undue favour to Muhammadans, it is entirely wrong and it is not necessary for me to bring in any arguments in support of that denial.

I want to finish, Sir, after making one or two more observations. So far as my community is concerned, I can assure the Government and I can assure the Hindu leaders, that we are really fed up with all these communal troubles. We are prepared to come to any reasonable settlement of all matters whether they are political or religious or social. We feel ashamed when we read in the papers that a certain place of worship of one community has been attacked by members of the other community. We feel ashamed when we hear that human life is being wasted on an ordinary excuse, under the name of religion. Religion has nothing to do with it. It is only personal enmities and personal ambitions which sometimes lead people to take part in communal fights. With these few remarks, Sir, I strongly support the amendment of my Honourable friend Diwan Bahadur Rangachariar, and I earnestly appeal to the Government Benches that though this demand has no voting majority behind it, they should see their way to accede to our wishes. By doing this they will not only oblige us sitting on this side and who are always ready to co-operate with them, but they will also repudiate the suggestion which is going round in some circles that the Government is, if not actively instigating these riots, at least showing indifference and inaction. This will be giving a practical proof that these rumours are absolutely wrong. I know that the maintenance of law and order is a provincial matter and that the Local Governments are in a better position to deal with it, but the abnormal state of affairs which now exists in the country has made it an all-India question. Of course such a conference can settle the fundamental principles only and the Local Governments can be entrusted to deal with the details. Is there a problem which has no remedy ? There is the question of rumours in these irresponsible papers. The Provincial Governments can open publicity bureau to be run if necessary by non-officials, which can issue daily or bi-weekly papers, contradicting all these rumours spread by the various irresponsible editors of newspapers. If they only decide to do it, they can do it in a very little time.

Colonel J. D. Crawford (Bengal : European) : Sir, I rise with considerable diffidence to take part in this debate, and I must admit that I am overburdened with the sense of

1 P.M.

responsibility that attaches to anyone who speaks on this difficult and very delicate problem. The high tone of the speakers who have preceded me makes me fear that I myself may not be able to rise to the heights to which they did. Both the speeches of my Honourable friends, Dr. Datta and Sir Denys Bray, have made a very great appeal to me. The European community in India is as much concerned with the establishment of communal concord throughout India as is any other community in India, and I was very glad to hear the Home Member say in reply to Dr. Datta that he felt it the duty of every community in India to lend its hand and to vote on this important question. The problem is a very serious one: upon its solution depends the measure and the rapidity of India's advance, and there can be no one who lives in India to-day, whose life is spent in India, whose work lies in India, who cannot wish to see the country advance materially, economically and politically. The problem of communal discord and unrest inside India is one that makes our defence problems very much more difficult; and that is an aspect of the case which urges me to appeal for a greater measure of consideration of this problem than I know Government has already given it. There are a Resolution and an amendment before the House. I do not like either the Resolution or the amendment. But they seem to have one fundamental principle underlying them, and that is an appeal from the non-official Benches to the Government of India to help in the solution of this problem. Now that is a point which I wish to elaborate. I believe that this big communal problem is not a provincial problem. True, as the Home Member said, the majority of the work will have to be done by the district officer and the local magnate, and I would here pay a tribute to the way in which district officers have done so much to help to assuage the tension that exists to-day. (Applause.) But there is a feeling throughout the country that the Government of India might come more readily to our help, and that feeling has grown since the speech of His Excellency the Viceroy at the Chelmsford Club—a speech the sincerity of which has struck a responsive note in the heart of every Indian in this country. (Applause.) The Home Member said that we should face facts, and whilst I do not like the wording of the Resolution which asks for a conference under the aegis of the Government of India, I do feel that there are factors in the situation and facts in the situation which might urge the Government of India again to consider whether it cannot hold out both hands and bring the communities together by a discussion of this problem. The communal problem, to my mind, is two-fold. You have, if I may so put it, the original rivalry of two great religions in this country. That is a problem that has been with us for centuries and which will be with us until education brings with it a spirit of mutual toleration. But there is the crisis with which we deal at the moment, the extreme tension that has been given to those religious feelings. What is that due to? We all know it in this House. It is due to the fight for political power. The country is beginning to realise that the Reforms have meant something and the communities are organising to take their share in the government of the country, not only Hindus, not only Muhammadans, but Europeans too. That is what lies at the bottom of much of our trouble to-day; and I who have seen a good deal of this trouble in the province from which I come Bengal realise that it

gained considerable force from the fact that one big community refused to come in and work the Reforms for what they were worth. It gave an opportunity to the minority community to make a bid for power for its own purposes. It is a matter of very great regret, but there it lies, the trouble, that is, the extreme tension to-day, is due entirely to political causes. Now there have been suggestions made which are worth, to my mind, the consideration of a conference under the aegis of the Government of India. We have heard some talk of communal electorate, that the evil lies in communal electorates. I do not propose at the moment to discuss that particular problem. But I would remind the House of a certain correspondence which took place in the *Pioneer* shortly after the rioting in Calcutta in which Sir Tej Bahadur Sapru suggested a certain method of stopping the trouble. He suggested that in those districts in which riots took place the whole district should be disfranchised and to that proposal even my friend Pandit Motilal Nehru lent support. Now, I do not believe that the proposal was practical and I think it was far too severe. But to my mind it indicated another direction in which we could find some reason for these communal troubles. It means to my mind that the electorates were not sufficiently educated themselves to resist exploitation at the hands of persons who desired to press their own personal ambitions and it struck me that possibly in a conference we might find something better, something which would not lay the masses open to having their religion exploited for political purposes. Those are points which I feel that a conference under the aegis of the Government of India might certainly examine and if it was not possible to take action early, it would anyhow give a line for consideration of this particular aspect of the problem when next the Royal Commission visits India. I feel that in troubles of this nature, the Government must take action. I know they have been doing much, but I feel that their action has not always been perhaps as strong and as firm as is necessary. I have already paid my tribute to the district officer, but I feel that the fault sometimes lies in the Secretariat where men have for long years left their districts and been out of touch with the actual feeling in the country and there might be something in suggesting to the Government of India and to Provincial Governments the more frequent change of their officers in the Secretariat in the way that the General Staff at Army Headquarters does with its military officers.

The Home Member has declared the policy of the Government to be two-fold, the maintenance of law and order—and I hope all will take note of that—and the promotion of conciliation. If the latter is the policy of the Government of India, then I feel that there can be no harm and there may be an advantage in getting together under the aegis of the Government of India men of position to study this particular question. Admittedly, the cure really lies within. I would remind the House of the occasions on which Members of this House have abused other communities either by pressing the privileges of their own community or by curtailing the privileges of others. I have spoken on a previous occasion of the fact that the good-will which might be forthcoming from my community is often put back many years by remarks which fall from the lips of Members of this House. There has been political growth built up by teaching racial hatred. There has been racial hatred preached against Great Britain. What this country wants is not racial hatred but good-will. You have preached racial hatred and

now it has spread to communal hatred and is spreading to individual hatred. We desire—I think all of us earnestly desire—to find some solution of this difficult problem. We all want to help India on the road to her eventual goal, but it cannot be done without the spirit of good-will. I would make an earnest appeal that every Member should endeavour on all occasions to create that spirit of good-will rather than to create one of communal hatred or racial hatred. Finally, I may assure the non-official Members of this House, the members of both big communities, that they can rely on the European community in India to lend its hand to them in the solution of their real difficulties. The solution lies in courtesy and in toleration. I might suggest to them that they try what is tried with members of my community when they come out here. We are taught what we should not do to offend Muhammadan susceptibilities. We are taught what we should not do to offend Hindu susceptibilities and we would go a long way to give up a considerable amount of our own privileges to avoid offending other communities. If this could be done amongst their own young men, I feel we would have gone a long way to have eased the present tension. Generally, I am myself in favour of the Government of India considering the possibility of calling a conference not on the terms of the Resolution of my Honourable friend Diwan Bahadur T. Rangachariar, which I cannot support, but under the leadership of His Excellency the Viceroy and under the aegis of the Government of India where we might come together and help at least to ease the existing tension.

Mr. K. C. Roy : Sir, as the Honourable the Home Member has not been able to accept the substantive proposition moved by my friend Maulvi Muhammad Yakub and also the amendment moved by my friend Diwan Bahadur T. Rangachariar, I beg leave to move my motion in substitution of the original Resolution moved by Maulvi Muhammad Yakub. My motion runs as follows :

"This Assembly recommends to the Governor General in Council that he may be pleased to convene an All-India Conference of leaders of public opinion and experienced officials to examine the present communal situation in the country and make recommendations."

Sir, mine is a very simple proposition. Sir Denys Bray has addressed a fervent moral appeal to the Indian nation. I make an appeal to the Honourable the Home Member to accept my Resolution. My Resolution will leave ample scope to the Government of India to do what they like. Sahibzada Sir Abdul Qaiyum asked who would convene the conference and who are to be its members. These matters are entirely left in my Resolution to the Governor General in Council. His Excellency may be pleased to call the leaders of public opinion belonging to Hindus, Muhammadans, Europeans and other minority communities which my friends Dr. S. K. Datta and Mr. Dumasia represent here. The conference will be of a mere advisory character. It will lay no obligation upon the Government of India. The Government of India will be free to accept or reject the advice ; but, Sir, I feel that as an earnest of the intentions of the Government of India, the time has come when they should make a move.

My reasons for urging my proposition are three. Sir Alexander Muddiman has already accepted the position that Government in this country are responsible for the maintenance of law and order ; but, Sir, whomever the primary responsibility belongs to, the supreme responsibility undoubtedly belongs to the Government of India. ~~Have they discharged~~

this function ? I shall ask for an answer from the Home Office. Moreover, Sir, can they discharge this function without settling these communal differences ? This is a matter, Sir, which I am quite sure was visualised by the Joint Committee. The matter was fully examined at considerable length in paragraphs 3 and 5 of their Report ; that is the relative responsibility of the Supreme Government and of the Provinces. This is what they set forth :

" For guardianship of the peace the Governor General in Council should remain in undisturbed responsibility to Parliament and should be fully equipped with the necessary powers to fulfil that responsibility."

That responsibility, Sir, I say has not been adequately discharged and, therefore, I suggest that the Government should convene this conference to take stock of the position and make recommendations to His Majesty's Government.

Sir, my second reason for urging this conference on the Government of India is the great obligation which His Majesty's Government has laid upon the Government of India to prepare India for self-government. Sir, can this be done without settling this communal question ? This can never be done without a permanent settlement of this question, and the only party, I feel, who can settle this question is the Government of India, for they alone have the authority and the necessary power. Sir, what is the basic cause of the discontent ? Music before mosques is a mere symptom. The basic cause is entirely political. For the first time since the Reforms, the people of India have realised the power of the vote. They have also appreciated the fact that progressive realisation of responsible government means gradual transference of authority from British subjects to His Majesty's Indian subjects. We have realised for the first time that we are now fighting for the loaves and fishes. This conference, if it is held by the Government of India, will be in a position to examine this question and prepare the way for the Royal Commission in 1929. It is no use playing hide and seek with it ; we must face the question, and the sooner the Government of India makes up its mind to convene this conference the better it will be not only for the country, but for the Government of India.

Sir, the next point to which reference has been made is about the failure of the leaders. I do not believe they have failed. I know most of the leaders, I have enjoyed their friendship and confidence ; they have not failed, the people who follow have failed. We have not that national discipline which should be inherent in a nation seeking self-government. Sir, what is the good of convening a conference of leaders ? Mr. C. R. Das tried the Bengal Pact in Bengal. What was the result ? Was the Bengal Pact ratified by the people of Bengal ? Never. What has been done in Western countries since the war ? All great national questions of importance have been subjected to a plebiscite ! If you look at Eastern European countries nearest to us, you will find many instances of the same arrangement. Can we subject our question to a plebiscite ? We cannot. If we are going to settle this question, the Government of India must consider it in consultation with the leaders of public opinion. That, Sir, is the only way. No other way is open to us, and I appeal to the Government of India to accept my Resolution and thus make a beginning in the solution of a problem which is menacing civil liberty and lowering the respect for lawful authority. Sir, I commend my Resolution to the House.

***Sir Hari Singh Gour :** Sir, the Resolution and the amendment and indeed the other amendments which follow on the same lines suggesting the holding of an all-India conference or committee for the purpose of making recommendations to regulate the performance of religious festivals.....

Sir Hari Singh Gour : Sir, I was going to say that the various amendments of which notices are on the paper all convey the same idea, namely, the holding of a conference or the constitution of a committee to make certain recommendations on the performance of religious festivals and other rites and ceremonies of the different communities in India. Now, Sir, I look at the question from a different point of view. The first thing I think we must enquire into is the cause of the present communal tension in the country. Honourable Members are aware that this communal tension is confined only to British India. We have large States like Hyderabad and Kashmir where.....

Sir Denys Bray : Sir, I rise to a point of order. Is the Honourable Member in order in referring to the Indian States and their administration ?

Pandit Madan Mohan Malaviya : Certainly.

Lala Lajpat Rai : Why not ?

Mr. President : Sir Hari Singh Gour.

Sir Hari Singh Gour : Where such tension is non-existent.....

The Honourable Sir Alexander Muddiman : What !

Sir Hari Singh Gour : And when it does exist it comes to a very prompt and sudden close. Now what is the reason ? Why is it that in British India we have this incessant communal tension ? I beg to suggest that it is the natural outcome of the liberalisation of the policy of the Government of India, and if Honourable Members will only cast a glance at the map of Europe and Asia, they will find that with the advent of modern democracy and the replacement of old ideals of government there has been a general world-wide unrest caused by the awakening of the East and the realisation of their rights and responsibilities by the people. Therefore, so far as the communal tension in this country is concerned, I heard Members on both sides and belonging to both communities advertiring to the fact that these tensions are religious in appearance but in reality political. My friends will therefore remember that any cure that you suggest for the settlement of religious ceremonies and rites will not be a cure that goes to the root of the situation. We have, therefore, to find a remedy for the political discontent of the country. All communities now realise that with the advent of responsible government in the country larger powers have been given to the people and still larger powers will be given in the near future, and consequently the members of both communities are naturally anxious to set their house in order. They are organising themselves and they are asking the Government and those responsible for the administration of the country to recognise their rights.

That, I submit, is the real issue, and I beg to suggest that in India that issue has come to the forefront on account of the historic causes which have

*Speech not corrected by the Honourable Member.

led to the evolution of Indian society. Long before we understood polities we understood religion and long before we understood religion we understood communities. The communal tie has been the genesis of all society, eastern and western. In the early days of Rome and Greece and in the mediæval period of English history and Irish history communal feuds and communal assertions of rights were as common and as violently and virulently asserted as they could ever have been asserted during the apex of Indian tension in the metropolis of Bengal and elsewhere. Now, Sir, that I submit is the real situation. We understand communalism ; we understand religion ; but so far as polities is concerned, our education is of recent growth and it is on that ground that I have always been a supporter of the Reform Act of 1919. It has brought into the arena of practical politics the realisation of responsible government, and with it a duty cast upon the people of this country to understand the meaning of polities. Well, Sir, immediately after the enactment of the Reform Act an attempt was made to educate public opinion in this country in the art of government through the instrumentality of communalistic and religious teaching. The result has been that the country was galvanised into a new life and we felt for the time being that this life showed a manifestation of a dormant vitality possessed by our people and that it had come to stay. But the immediate causes which made the alliance of religion and politics became more or less shadowy and people very soon forgot the new lessons they had learnt about polities but remembered the adhesion to religious precepts and customs. The result has been that the religious instinct, being stimulated by an artificial means inculcated in the wake of the Reform Act of 1919, has left an aftermath in the revolts and exhibitions of lawlessness which the country is witnessing to-day. That seeme to me, Sir, the historical origin of this so-called communal tension in this country ; and, if that is the case, I beg to ask Honourable Members here how any committee or conference can really solve the great problem with which this country is confronted here and to-day.

Let me idealise for a moment the result of a committee or conference on the lines suggested by Diwan Bahadur Rangachariar or on the lines suggested by Mr. Roy. If a conference is held and they make certain recommendations, how are those recommendations to be carried out ? Those recommendations, I submit, do not in themselves carry any sanction behind them ; and if the Government of India become associated with these conferences, their recommendations will morally, if not legally, bind the Government of India. The result of that will be that the political question will be visualised through the very narrowest spectacles of communal strife, communal dissensions and communal compromises. Is this right for the whole of India ? Is it right, I ask any Honourable Member, for the good of the future government of this country and for what we have been crying for, for the larger reforms that we want in the administration of this country ? Are we to see through this myopic vision the very large question that looms in the horizon as to the future of the Indian people ? I ask, Sir, that the first thing that the Honourable Members of this House should do is to take a long view of the situation, and the Honourable the Home Member has rightly pointed out that if you can change your angle of vision, and I add to that, if the people of India and the leaders of both communities began to think in terms national instead of in terms communalistic or religious, then we shall have made a real beginning towards the political emancipation of the people of this country. That, I submit, is the first necessity. People must understand that politics is an art of

government and has nothing whatever to do with either communalism or religion and that it can only be learnt by trying. You cannot....

Mr. K. Ahmed : How can you forget your religion ?

Sir Hari Singh Gour : If you cannot forget your religion, you have, at any rate, to give it a proper place and see that politics is not mixed up with questions of religion. The two things are quite apart, and European culture and civilization would not have been what they are had there not been the divorce of the Church from the State. That is the first thing, I submit, that this country requires. We have to educate public opinion and explain to the people, the intelligentsia as well as the masses, that politics is something distinct and different from communalism or religion, and I venture to submit that, the moment we have learnt that lesson, we have learnt a good deal. That, I submit, is the first thing that we have to do. How can any conference, how can any committee, however representative, however influential, decide this great question which must, I submit, spring in the heart and be carried to the brain ? I, therefore, beg to submit that the cure which has been suggested in all the Resolutions and amendments is really not the cure for the present state of discontent in this country.

Well, Sir, I have been speaking so far only on the Resolution. Turning now to amendments, my Honourable friend Diwan Bahadur Rangachariar is not enamoured of the wording of his own amendment. He protested when he spoke on his amendment that his amendment was not ideal, and he has since confessed that his amendment is not even workable. He therefore wishes now to support Mr. K. C. Roy's amendment, and he says that this amendment should be superseded by that of Mr. K. C. Roy. Now, let me examine Mr. K. C. Roy's amendment. Mr. Roy's amendment, though briefer, does not carry the matter any further, and I venture to submit it is, if I may be permitted to say so, too wide. Now, what does Mr. K. C. Roy want ? He wants an all-India Conference, of which my friend Diwan Bahadur is enamoured, of the leaders of public opinion (who shall be the judge of the leaders of public opinion we know not) and experienced officials to examine the present communal situation and make recommendations. That is all that he wants. Now, I beg to ask, will that satisfy anyone of us ? If the question is how to allay the discontent which it is now confessed and confessed openly is purely political, and if it is intended to give all the major communities of this country a reasonable safeguard in the present and further reforms and administration of this country, how is any solution possible if you are merely to say that you shall not beat your drums when you come up against a particular mosque or that you shall lead a cow along a backyard of a man's house instead of his front gate. (*Mr. K. C. Roy* : " Nobody ever said so.") We have been told, Sir, by my friend Raja Ghazanfar Ali Khan that all that you want now is, first of all to stop the conversions, stop the *akharas*, and also stop, he says, the playing of music and the slaughter of cows and then we shall have come nearer to the millenium. (*Raja Ghazanfar Ali Khan* : " I never said that, Sir.") I am glad, Sir, he never said it, because I have too high an opinion of the Raja ever to believe that he could have thought this slight panacea, this *mantrum*, this talisman, this charm, would immediately exorcise the causes of discontent and malcontent in this country. I submit, Sir, that nothing that can be suggested by Members on both sides of the House, and which has been suggested, will ever settle the

differences between the two communities until and unless the Government of India courageously grapple with the situation and take up this question along with the root cause of the discontent, namely, the future government of this country. And I venture to submit, and I have submitted it, Sir, ever since I became a Member of this House, that the time has come for the appointment of a Royal Commission that will go into the whole future of the reforms in this country and alongside of the reforms take up the causes which lead to the discontent and communal tension in this country and settle them once for all in a manner which will be final, conclusive and authoritative, and will have the imprimatur of the high authority of Parliament. That is what we have been crying for. That is what we have been repeating in session after session and, I may suggest once more, and I think Diwan Bahadur Rangachariar will not protest if I suggest once more that, if the Honourable the Home Member can advise the authorities at home and here to accelerate the pace of the formation of a Royal Commission to take up this and other allied questions, it will go far to allay the discontent in this country, and this will be then regarded as only one branch of the various items of inquiry which that Royal Commission will have to undertake and it will give the people an assurance that there is an authoritative body of men inquiring into the genesis and the future of the administration and of the form of government of this country. If that were the Resolution.....

Mr. President : Order, order. I am afraid I must ask the Honourable Member to conclude his remarks.

Sir Hari Singh Gour : If that, Sir, were the Resolution, I would have given my support to it, but I do not see how any conference, however influential, would ever solve the problem, and if I may be permitted here to add a word in support of my own amendment which has not yet been moved.....

Mr. President : Order, order. The Honourable Member has exhausted his time. He must now bring his remarks to a close.

Sir Hari Singh Gour :they will see that I shall amply justify the notice I have given of my amendment and which I submit will serve the immediate purpose which the authors of the Resolution and the amendments have in view.

Mr. J. Sheepshanks (Bombay : European) : Sir, I trust I will have the sympathy of the Honourable Members in, as a junior Member of this House, rising to make my maiden speech on a subject of such great importance. In considering whether I would speak and what I would say, I have had constantly before my mind "Fools rush in where angels fear to tread". (*An Honourable Member* : "Swaraj Benches"). Therefore, I do not propose to discuss or to raise any of the causes, differences or results of this tension that is going on. All that I wish to do is to submit to this Honourable Assembly, and especially to the representatives of the two great communities, a simple rule consisting of three words only which forms an invaluable guide to the conduct of all controversies. In fact this rule applies to all differences of opinion from private differences up to international. It is a rule so simple in its construction and so wide in its application that it bears the mark of great experience and genius and therefore does not originate from me. It bears the authority of the greatest Liberal statesman of modern history. I refer

to Mr. William Ewart Gladstone. These are his words : "Never impute motives"—"Never impute motives". The more you think of those words, the more you analyse them, the broader their scope and the more apparent becomes their value. Sir, I was brought up under the influence of this rule. My family were all strong Liberals and staunch supporters of Mr. Gladstone and his successors. (Hear, hear.) However, I at the age of 10 decided that I could no longer support Liberal politics, (Laughter) and I announced to my family my adherence to the Conservative Party. I admit that, that Party remained, and still remains, in blissful ignorance of this accession to its ranks. However, in view of the present position of the Liberal Party at home I think I can claim a certain amount of political farsightedness even at that early age. Well, Sir, there was I, a lone Conservative lamb, amongst a horde of liberals, with the obvious result that arguments and statements as to the respective virtues of the two parties were frequent and tended to become more and more forceful and trenchant till I was checked by those words : "Never impute motives." And this went on from year to year till finally these words, their application and bearing became impressed on my mind, and during the rest of my life, in whatever country I have been living, mixing with different races and classes, seeing, hearing, observing the various controversies whether social, political or international, it has always struck me that there has been a practically entire neglect of this golden rule.

I submit to this House that if in India during the past months these words had been observed both in the letter and in the spirit, then, Sir, most of the speeches, most of the pamphlets and most of the newspaper articles which all deplore would never have appeared, with what value to the country and to the two communities, I think the House can judge. The leaders of these parties have given their assurances that they would leave no stone unturned, that they would use all their resources, that they would explore all avenues, to come to a mutual agreement. I suggest that here is a path which has not yet been tried. I would ask them to give their serious contemplation to the meaning of these three words, "Never impute motives" and work out in their own minds what would be the result in India, if they adopted them and with all their hearts and brains saw that they were carried out to the fullest possible extent. If that is done, I submit that the atmosphere would become purer, suspicions and differences would disappear and in a short time the leaders could meet again in conference with far brighter prospects of a successful issue to their labours than has existed in the past or exists at the present time. Therefore, I give my opinion that the present is not the time for a conference.

Lala Lajpat Rai : I rise to oppose both the Resolution and the amendments. I do not want to make a speech. I tried my best to avoid it but I am practically forced to make a speech and make the observations I am going to make. I realised after I had heard the speeches to-day, why the Honourable Members were not in agreement with my motion for adjournment. They wanted to make speeches. What is the substance of this debate so far ? With the exception of one or two speeches, Sir, the burden of the speeches of most of the Indian speakers was the praise of the Government and the Government officials and the denunciation of the so-called leaders. Nobody had the courage to give a list of those leaders who were thus condemned and denounced. We were told very seriously that some of those leaders were fomenting these quarrels for the purpose

of their own leadership. We were told that they had not made serious efforts to bring about peace. We were not told what those serious efforts were which they did not make, and how they could mend their ways. Anyhow I do not want to dilate on that point very much. We are all very fond of getting compliments from the Honourable the Home Member for restraint, moderation and fairness. Most of the Members have attempted to get that praise, and I congratulate them on their success. Restraint is a very good quality especially in a legislature, as speeches made therein will practically be broadcasted throughout the length and breadth of this country. It is a very good quality. I approve of it and I praise it, but in a question of this kind mere restraint is not the quality that is needed, for the solution of the problem. During all this debate the Members have talked as if there were only two parties to this quarrel. I differ from that view. There are three parties to the situation,—the Hindus, the Muhammadans and the Government and no solution of this problem can be effective or sufficiently far-reaching, unless all the three parties sit together and frankly and openly, exercising due restraint, put forward their points of view and say what they wish to do. No man is more ashamed of what we have been doing. No one has been more humiliated than I have been. While I was in Europe, everywhere I was confronted with the tales of these riots and I had to hang my head in shame. No one is more pained by these occurrences than my humble self; but all the same I do not think soft

3 P.M.

one is more pained by these occurrences than my humble self ; but all the same I do not think soft

words, commonplace phrases, and platitudes, are going to solve the problem. We, the members of the Indian nation, cannot afford to carry our hearts on our sleeves. We have to meet the situation boldly and, as Sir Hari Singh Gour pointed out, to probe into the root causes of the disease and find out remedies which may remove those root causes. Otherwise all this treatment will be only symptomatic. You may suppress a riot here and a riot there by a judicious combination of conciliatory phrases and by enlisting the services of local men ; but you will not stop them for good and you will not be evolving a permanent remedy. Sir, the causes of these riots are not local ; they are not even all-Indian ; there are world causes that are operating underneath these quarrels. I wish the Honourable Members to understand the effect of the great world movement upon the Indian movement. The Indian movement is not an isolated movement ; it is not an isolated phase. Therefore we must not wear our hearts on our sleeves, as I have said, but take the situation as it is and try to make it as easy as we can under the circumstances. I can well understand the Honourable the Home Member's statement that it is the local officers who can influence the masses. That is only possible under an absolute (despotic) Government. Under a despotic Government's rule one man is always more powerful and effective for the preservation of peace than under any democratic Government. But peace is not the only object of life. A death-like peace is not the thing we are striving after. We want life, and in life we must have strife and struggle. We cannot avoid that ; only we should delete all personal passions and prejudices as far as possible—all meanness, all pettiness, all low-mindedness from that strife and struggle. If we can do that we shall be honourably discharging our duties. Otherwise we will be making ourselves liable to the accusation by others that we are conducting these struggles by mean methods. But, Sir, human beings are human beings. I know of no part of the world, and of no epoch of history, where the struggle and strife for liberty, the struggle for free-

dom, has been entirely free from that mean and petty low-mindedness which at the present moment we are witnessing in India in these communal troubles. I do not want to encourage them. By all means try to avoid them, to eliminate them, to destroy them by all legitimate means. But let us not be obsessed by the idea that because we are quarrelling and there are these riots and struggles, therefore we are losing everything. Let us not forget that in the history of the world, this is an epoch of class struggles and communal wars. May I remind the Honourable Members on the other side, of what happened in England at the time of the suffragette struggle, when the women were struggling for votes ? Again what happens now in Europe in the class war between capital and labour ? And what happens in countries where a religious element is still present and powerful ? The phenomenon that we are now seeing in India is by no means isolated ; it is by no means extraordinary. It is the result of world forces, no doubt polluted to a certain extent by our narrowmindedness in matters of religion. In this respect, Sir, I want to say this, that we should not look at this problem in this way. All of us no doubt can contribute to ease the situation as much as possible, to eliminate the obnoxious elements ; but let us not run away with the idea that this kind of talk, as has been indulged in in this House to-day, will help us in solving the problem.

Now, Sir, in that connection I wish to say one word complimentary to the British nation. I was in England during the time of the general strike. The general strike was a huge revolution. The British nation passed through it with comparative peace, with a great deal of steadiness of character, because at the present moment in the world there is no perfected democracy better and more steady than that of Great Britain. But it is not so in all countries. We read every day of class quarrels, class riots, class struggles, in France, in Germany, in Russia, in Italy, even in that small place called Switzerland, in America and every other country. Are there any religious quarrels there ? Are there any quarrels about music before mosques or about cow slaughter ? Still we find that there are widespread riots, a good deal of bloodshed, a good deal of struggle and breaking of heads. What are these small countries compared with this big sub-continent consisting of 315 millions of people and of one million and some odd miles perhaps, of area of land ? What are those countries ? This is a vast humanity with which we are dealing. Let us not talk superficially, and of superficial causes, but let us go deep to the world causes that are practically moulding us, taking us onwards,—we do not know towards destruction or towards salvation : Where we shall go, when we shall reach the goal is in the hands of the gods. We cannot foretell when we shall be at the end of the struggle. If you want complete peace in this country, as some people would want it, go back to your absolute rule, but I suppose nobody in this House would advocate that course. If you do not want quite that kind of absolute peace, if you want to have a democratic form of Government, we shall have to pass through this phase which though transient is inevitable. With very great respect and humility. I would submit that the only course to make that transition shorter and less bloodier and less fraught with these quarrels, is to solve the problem of Swaraj and self-government as soon as possible. Give us a final constitution. Therein you can solve the Hindu-Muhammadan problem for good. Let the different stages come automatically if we must have stages. Let the struggle for power between the religious communities inhabiting this country cease, and then there will be all peace, everything will be settled ;

otherwise it will not be settled by your pious wishes or by any amount of pious Resolutions.

Well, Sir, the Muhammadans are according to their views quite right, and the Hindus are also quite right in the way in which they look at the political and economic problems of the country. Dr. Datta gave out one-half of the truth. Colonel Crawford spoke the other half of the truth : the reasons at the bottom are economic and political ; and as my Honourable friend, Colonel Crawford, said, every community wants to consolidate its power. My Honourable friend complained of the element of racial hatred present. If racial hatred means struggling against vested interests, claiming our rights and privileges, then surely he is not right in calling such an attitude racial hatred. But if there is any man who indulges in racial hatred of Englishmen because of the simple fact that they are Englishmen, then I think he is doing a mean thing, a low thing, a thing undoubtedly to be deprecated and to be condemned. Nobody, no responsible man in this country stands for disseminating racial hatred in that way. But if racial hatred comes out of our struggle, out of our attack on vested interests and out of our demands for rights against people who withhold those rights, then I am afraid that that element of racial hatred cannot be eliminated at all from discussions in this Assembly or discussions outside, and there is no use talking of such racial hatred. That will continue to go on as it has done in the past. But at the same time I want to say this much, that all these things have to be looked at from a broad point of view. We are in a struggle. Everything, as somebody pointed out, is in a condition of unrest. Nobody knows what is going to happen to-morrow. The Muhammadans are afraid lest being in a minority they might be swamped away by the Hindus. The Hindus are afraid lest the Muhammadans by gaining extraordinary strength with the help of their foreign brothers might sweep them down and ruin them. Owing to that very circumstance, some friends here might be very happy for this statement being made, because in their eyes the only logical conclusion then would be that the British Government must stay here for ever and that the present system of rule should continue for ever. We cannot accept that proposition, Sir. Some people may like that proposition, but we cannot accept it. We have to face these troubles. We have to face these trials. We have to face all these misfortunes. We have to continue to carry on our struggle for freedom. I am very grateful to His Excellency the Viceroy for the admirable speeches he has made and I think all the speeches delivered here put together will not have a better effect than the speeches made by His Excellency the Viceroy. We have not contributed as much to that atmosphere of peace and good-will as the Viceroy did by his speeches in his own sweet words. We have been making speeches, very cleverly, with restraint as the Honourable Member said, but all the same keeping our points of view the only speeches which I think were made without diplomacy and which came from the heart, without reference to the prestige of the Civil Service, or the interests of the Moslem community, or the interests of the Hindu community, were those speeches. I have read them and I have read them with admiration. I wish this House had followed the same example and spoken with absolute sincerity. I do not attribute any motives. I do not say that anybody has not spoken with sincerity. But I do not think that any speech in this House has been made without reservations and without an eye to what its effect will be either on the electorates or on the Anglo-Indian Press

or on the Press in England or on the coming Royal Commission. All these things have been kept in view in the speeches. I personally am not enamoured of Royal Commissions as my Honourable friend Sir Hari Singh Gour perhaps is. What I want is a permanent settlement. You may not give us all that we want at once. You may fix a time, you may fix a period ; you may give us only certain departments, but if you can permanently settle the constitution of India with automatic stages if it is desired that there should be stages, then that will knock the bottom out of these communal controversies. The only way to settle this problem once for all is to settle the constitution, providing for the protection of the rights of the minorities and settling all questions of communal electorates or communal representation. In my opinion, Sir, that is the only solution of the problem, that is the only effective solution.

Now, I want to say one word more. Many hints and many insinuations have been made with reference to me and against me in this House for the last two or three days, particularly about my views on communal representation and communal electorates. I am not at all ashamed of my views on the question of communal representation and communal electorates. I believe in the birth of a national consciousness, I believe in progress towards nationhood. During this progress we must pass through these travails and I do honestly say and I say it with all the emphasis that I can command that communal representation and separate electorates are the last things to make us a nation. My Muslim friends do not agree. Some of the Honourable Members have said that if these communal electorates had not existed more blood would have been shed. I do not agree with that view at all. Many praises have been showered on Government also for their impartiality. But this fact remains undisputed, that within the last five years, communal tension has been growing every day ; every day and every week and every year there has been progress in this communal tension. Why, I ask, if the Government have tried their best and if these friends have tried their best, why has this communal tension been growing ? Is it not due to the fact that the far off Royal Commission is kept in sight by many people ? That fact is a real fact. But at the same time I may assure my friends that I have absolutely no desire to make any move for disturbing the Lucknow Pact without a general agreement of all parties concerned. The provision for separate electorates or communal representation cannot be done away with without the general agreement of the Muhammadan community. But at the same time if my friends, the Muhammadans, want a change in the Lucknow Pact, an extension of it, or an alteration of it, they must be prepared for the whole question being reopened and all the arguments against communal representation and communal electorates being adduced. So, I think the whole situation is inseparable from the atmosphere and from the circumstances of the case and the country and from the circumstances through which we are passing. Let us all honorably, sincerely, honestly, say that all these low methods, all this fanaticism, all this low-mindedness, all this pettiness, may be eliminated from this discussion. Let us carry on our struggle for the purpose of safeguarding our rights from our different points of view like sportsmen—in a constitutional way—by argument and by other methods but not by promoting or encouraging these riots.

Mr. K. Ahmed : Example is better than precept.

Lala Lajpat Rai : Mr. Kabeerud-Din will allow me to say that I have never done a single thing in my life to promote discord. From my place

in the Congress at Belgaum when discussing the Kohat Resolution I exhorted my Hindu countrymen never to think of retaliation or revenge. I have said all that.

(Mr. K. Ahmed rose to interrupt.)

Mr. President : Order, order.

Lala Lajpat Rai : I think my Honourable friend will not find a single word in my speeches which goes to promote discord. If they expect me to give up my point of view, just because they want to intimidate me in this way, they will never succeed. I have certain beliefs, I have certain principles, for which I stand and no amount of coercion or intimidation in any shape or manner will persuade me to deviate one inch from those principles. Let them run me down to any extent they like. I quite grant that they are also honestly anxious in their struggle for their community. Equally honest are the Hindus to watch their interests. Let that struggle be decided by mutual toleration, discussion, by argument and by the force of circumstances rather than by any show of force or any other method of that kind. These methods whether they are adopted by Hindus, Muhammadans or by Sikhs or by anybody else I condemn most severely from the floor of this House. There should be no show of criminal force, coercion or intimidation in connection with these outstanding questions of our country. We must settle them sooner or later and it is much better if we settle them in a spirit of good-will. After all, we have to live in this country. Therefore, nobody advocates—I do not advocate—intimidation or resort to force for the purpose of solving these problems. But I beg of Honourable Members in this House for the last time to remember that we are not isolated atoms of this world which is composed of so many atoms, so many forces and so many elements. We are only a small portion, though from the point of view of numbers and from the point of view of the miles of area that we occupy, we are a big part of this world. We are influenced by steamers, telegraphs, telephones and so many other things that connect us with the world. The British Government ought to be proud of these. They have brought this country to a phase where everybody wants to think of his own rights. He is not prepared to give in without a struggle. Therefore, why should the Government exaggerate the importance of these riots? Of course, I do not mean to say that they should not take any steps to stop them. It is their duty to maintain law and order. They will be failing in their duty if they did not take steps to prevent them or to remedy them. At the same time, let me assure them that no amount of legislation, no amount of rules, no amount of orders under section 144 of the Criminal Procedure Code, no amount of amendments of the Criminal Procedure Code will stop these riots or will remedy the situation unless they grant us our rights and let us settle them for all time to come.

The Rev. Dr. E. M. Macphail (Madras : European) : Sir, I feel a little perplexed in connection with the different motions and amendments that have been made and I had hoped that my Honourable friend who has just sat down going to help me to make up my mind. But I really entirely failed to know at the end of his speech whether he was supporting one of the motions or one of the amendments, or whether he was opposing them all.

Sir Hari Singh Gour : He was opposing them.

The Rev. Dr. E. M. Macphail : I thought he said so at the beginning but later on I understood him to say that there were three parties who must consult together, namely, the Hindus, the Muhammadans and the Government.

Lala Lajpat Rai : I may point out that the time has not yet come because the Government do not think so.

The Rev. Dr. E. M. Macphail : He reminded me, Sir, rather of a Minister in Scotland who, after having preached a sermon, was criticised by one of his hearers who said : " If your text had had scarlet fever your sermon would not have caught it." In other words, I do not think there was very much connection between the position that he took up and the speech that he made. I was extremely interested in his speech, however, and I regret very much that he spoilt it on one or two occasions by neglecting the excellent advice which my Honourable friend Mr. Sheepshanks gave that motives ought not to be imputed, the motives with which people have spoken in this House and the motives with which they have been actuated on various other occasions. I was very much interested in his speech and in the speech of Sir Hari Singh Gour because they really dealt with the problem of these communal troubles and their causes. I think that if we are to go to the root of the matter, we have carefully to go into the causes of these troubles. Now, my friend Lala Lajpat Rai seemed to think that all these troubles were the necessary outcome of the struggle for freedom, and he very truly said that you have communal dissensions all over the world. That is absolutely true, and communal dissensions always mean an absence of national unity. It may be that the communal dissensions are due to there being dissensions between the rich and the poor, or it may be that they are due to differences in blood, in race, in language or in religion.

An Honourable Member : What about Ireland ?

The Rev. Dr. E. M. Macphail : In Ireland you have the two combinations of blood and religion, the two acting together, just as you have to a very great extent in this country, where you have, in the North at all events, Mussalmans of different blood to a very great extent from the people amongst whom many of them live. But in India the peculiarity is that the differences are, so to speak, vertical rather than horizontal. What you have in most countries in the West is that you have one stratum of society antagonistic to another stratum, a difference such as Disraeli brought out in his book " Sybil," when he spoke of the two nations. But here you have in India the community divided up in, so to say, watertight compartments, and not only divided, but sub-divided. My Honourable friend Diwan Bahadur Rangachariar is quite aware of that fact. The whole of Hindu society is sub-divided into watertight compartments between which there is no inter-marriage. The whole of Hindu society is like a honeycomb composed of cells which touch one another but do not unite. And the consequence is that where you have a society of that kind, you necessarily have a clannish feeling developed to a larger extent than in the West. We in Scotland are accused of being clannish. The reason is because we are a small community. But wherever you have these small watertight communities, you will have class interests predominant. Now it does not seem to me that, in a struggle for freedom, there would be all these communal dissensions were it not that in Hindu society itself you

have these watertight compartments and the members of each class look upon themselves chiefly as members of the unit to which they belong. It is perfectly true, as my Honourable friend Lala Lajpat Rai said, that we should get rid of all these difficulties if we could develop the true national spirit, and he also drew a picture of what rather looked to me like heaven which he said would be the case if only people did certain things. My experience in the 40 years during which I have been watching the growth of national feeling in India, and watching it with sympathy as well as of interest, has been this. Side by side with the development of national life and feeling there has also been the development of what the Germans call *particularismus*. That is to say somehow or other, along with this centripetal tendency there has been developed a centrifugal tendency. As people are thrown together, they become more opposed to one another. We know that people often get on better when they are thrown apart ; and at the same time it happens very often when people are brought together they begin to realise their differences, and so they form smaller groups inside the larger whole. I noticed that very soon after I came to Madras in the cry of Travancore for the Travancoreans, Mysore for the Mysoreans ; and now it is the cry of Andhradesa for the Andhras, each community trying to create a little nationality for themselves. The same thing was also illustrated by the great indignation which was created by the division of Bengal. In a unitary country where the national spirit is strong as in France, the great aim of the people in the time of the Revolution was to abolish all local distinctions, get rid of the old provinces and cut the country into divisions which had no old historical connection in order that they might all feel one and that there was but France, one and indivisible. But the curious thing in India has been that with the development of the cry of the Motherland, there has also been this particularist cry for the development of separate communities. It may be that it is absolutely necessary in a large country like this. I believe probably that is the case. It is an interesting thing, but it seems to me that it is absolutely unnecessary that, even although there is this feeling between different classes, it should find expression in hostility towards one another. The reason why it has done so of late, I believe, was rightly pointed out by Colonel Crawford. I think there is not the slightest doubt, as has been said by more than one speaker, that it is the political question that is in view. My friend the Diwan Bahadur drew rather an idyllic picture of Madras, but we have got our difficulties there. He has heard of the Brahmin and non-Brahmin controversy down there. He has also heard of the Tiyans and the Nairs on the West Coast. He has heard of the Maravars and the Shanars and their troubles. It is perfectly true, what my Honourable friend Lala Lajpat Rai said, that the whole of this is very largely the result of British rule, the outcome of a general movement by which the persons who have been down are now trying to come to the top. The non-Brahmin is trying to oust the Brahmin from the 80 per cent. of Government appointments which he enjoyed before. The Tiyan wants to get into the temple ; he wants to be allowed to go along the roads. I have seen in South Kanara a man come and lay down his money on the road and call out what he wanted. Then the shopkeeper came, took the money—that did not pollute him !—and laid down the goods and then the man came and picked up the goods. Is it wonderful that people in that position wish to rise in the social scale ? Is it surprising that the Shanar wants to get into the temples ? It is not surprising ; but the whole of

my contention is that you cannot put this thing straight unless you get people to respect one another and one another's feelings. We have heard a great deal of self-respect, and self-respect has sometimes resulted in making young men go and spit at European officers. Self-respect often means disrespect of other people and what we want to impress upon people in the whole of India is that self-respect means respecting another's personality. We have our own personality, and we must respect other persons as persons. Until that is burnt into people we shall continue to have these communal riots and communal disturbances. I do not think there is any harm in people trying to rise in the social scale or to assert themselves, but in doing so do let us remember that other people have rights as well as we. I find that like my Honourable friend Lala Lajpat Rai, I have wandered away from the subject, and I would merely like to say in conclusion that I cannot approve of any of the proposals before us. They are far too wide. I would like to be put on a committee such as is proposed by Mr. Das, for I feel that I should have some interesting work to do for the rest of my life. His proposal means that we should have to go in for a thorough sociological enquiry into conditions in India and that is impossible. At the same time I would like to suggest to the Honourable the Home Member that it might be desirable in the interests of the country that he should get together some of the leaders of Hindu and Muhammadan thought. You will notice that all through the discussion it is only these two communities that have been talked about. The Diwan Bahadur and I have a grievance, because this implies that there are no communal differences in India but those of Hindus and Muhammadans, whereas we have our own troubles in Madras. But I understand the Hindu-Muhammadan trouble is meant in the motions when reference is made to communal differences. I suggest to the Honourable the Home Member that the leaders of these communities might come together and see if it is not possible, I do not say to settle the whole of this communal question—that would be an excellent thing but it would take too long a time to do—but to see what can be done in the way of getting local persons of influence to try to do what they can to prevent these two communities from flying at one another's throats and causing these disturbances which I am sure we are all grieved to see.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I do not find it possible for me to support either the Resolution or the amendments which have been put forward, but I do feel, with other friends who have spoken before me, that it is fortunate that a discussion on this subject has taken place in this House. There are two aspects of the case which have come out from the discussions. One is that wider aspect to which my Honourable friend Lala Lajpat Rai drew such prominent attention in his most valuable speech. The other is the one to which several other Members have referred, namely, that of maintaining law and order and of establishing an attitude of mutual respect for the rights and feelings of each other among citizens by such methods as the leaders of the Hindu, the Muhammadan and other communities and the officials of Government might adopt. As to the first of these, I wish to say that I entirely agree with my friend Lala Lajpat Rai that a final and most satisfactory solution of the present deplorable differences which we see in this country will be found in the establishment of full responsible government in the country. In my opinion it is very desirable that all

those who are interested in the welfare of India should give the matter the most serious and impartial consideration. The present system has been tried. I personally feel that we are grateful to this system for many things, above all for the education that we have received, and for the education in national sentiment which we have received during the British administration. But I also recognise that we have lost a great deal and in many respects, and I feel that progress in many directions which may be called truly national will not be possible until full responsible government is established in this country. To some friends it may seem a mockery that I should be speaking in support of Lala Lajpat Rai's view about the necessity of the early establishment of full responsible government after the speeches which have been delivered here deplored the communal differences that are dividing the country. But it is my firm conviction that if full responsible government is established in this country these differences will very shortly disappear. The history of other countries supports this view. French Canada and British Canada were more divided ; Roman Catholics and Protestants hated each other there much more than Muhammadans and Hindus unfortunately do at present here, and yet the introduction of responsible government in Canada put an end to those differences, and Roman Catholics and Protestants, Frenchmen and Englishmen, began to work shoulder to shoulder as brothers in a common national cause. Even so, Sir, I believe will it be here. The present system has been tried and has failed. Government have had charge of law and order for a long time. Government have charge of law and order even under the present Statute of 1919. I regret to say it—I do not mean to impute any blame to any individual—but I draw attention to the fact that law and order have not been maintained as well as they used to be before the system of dyarchy was introduced ; and yet, Sir, law and order are reserved subjects ; their administration has not been at all tampered with by certain other subjects having been made transferred subjects. I submit, Sir, and I ask my friends on the Benches opposite to consider that the best solution of the problems we have been discussing will be found in the establishment of full responsible government as early as can be done.

But we cannot afford to wait for such solution till the advent of full responsible government while deplorable events like those which have taken place are occurring in the country. It must be, it ought to be, a matter of deep grief to every man of right feelings that these numerous riots should have taken place, that, according to the official statement, 260 of our fellowmen, most of them innocent persons, should have fallen victims, should have paid for the folly or wickedness of some people with their lives, that several thousands of them should have been injured, that the property of a lot of innocent persons should have been destroyed and burnt, that a lot of misery should have been caused to thousands of families all over the land. I consider, Sir, that what has happened should fill everybody, official and non-official, European and Indian, connected with India with grief. It is not a matter between the Hindus and Mussalmans alone ; it is a matter which concerns every citizen of India ; and when I think of it it fills my heart with grief,—it has filled my heart with grief for the last several months,—that in this ancient land where there is no lack of intelligence, no lack of ability among Europeans and Indians, where there is no lack of public spirit in a number of citizens residing in the large cities,

that so many innocent men should have fallen victims to the knife or the *lathi* and that we should have been enjoying our meals and sleep as if nothing had happened. When I went to Calcutta and found that innocent citizens walking out into the streets were hacked to pieces, I felt that we, i.e., most of those residing in Calcutta at the time, were not doing our duty, and I feel still that we have not, all of us, realised our duty to these innocent fellowmen of ours and have not done our duty to save them from undeserved suffering and sorrow.

In this connection there are three points which have emerged from the debate. I do not wish at this moment to go back into historical facts ; I do not wish to stop here to dwell upon the allegation made by Lord Olivier, or the answer given to it, about the partiality of Government to one community. I do not wish here to impute any blame to Government or to any Mussalman leader or any Hindu leader. Whoever has been to blame, let us take that blame on our own heads collectively as a wrong committed by a brother or a fellowman, and let us think of the duty that lies upon us, as individuals and as citizens, as children of one God and children of one motherland, as subjects of one King-Emperor, to do our duty to our innocent fellowmen in the best way we can to save them from further undeserved wrong. That brings me, Sir, to a consideration of what are the practical steps which can be adopted in this matter. I join with my friends in offering our thanks to His Excellency the Viceroy for the excellent speech which he made at the Chelmsford Club and which was implemented by his speech to the Legislature. I submit, Sir, that His Excellency therein indicated a rule which will be found to be a very safe and a very helpful guide in the solution of the questions as we are considering. His Excellency said that such questions should be decided in conformity with established local custom. Let us all, Hindus and Muhammadans, officials and non-officials, honestly make up our minds to do whatever we can to bring about a settlement of the disputed questions on that basis. That is a basis, Sir, which I expect will commend itself to reasonable men of every class and community, and that is the basis which will in a large country like ours, which is inhabited by men of different castes and creeds and races, be found to be the soundest and safest to proceed upon in deciding communal questions. Now, Sir, how are we to proceed in the matter ? I am prepared to believe that the Government of India have done what they could, according to their own lights, to bring about a solution of these questions. My Honourable friend the Home Member said that it is the duty of the Government, both Central and Provincial, to maintain law and order, and that it is also their duty to bring about peace and harmony between the different classes of the community. They have discharged their duty, the Honourable the Home Member claimed, as best they could. Well, I want to leave that question there. We may not agree in that view, but I do not wish to pursue that question further. I do agree that we should drop all discussions as to what is past, and that we should consider what we can and ought to do in the future. Nothing is likely to be gained by discussing what they could or should have done in some places or what they should not have done in certain places. I have indicated that I do not entirely agree with the view which the Honourable the Home Member has put forward in that connection. But I am concerned more with what is to come in the future than what has happened in the past, and for that reason I wish to avoid all references to the past. Let all questions as to who has been to blame for the events that have taken place or for not

arresting or checking the progress of those unfortunate occurrences, be buried for ever ; let us unite and make an honest and earnest endeavour to see what our duty demands of us for the future.

I submit, Sir, that in this matter one common duty lies upon the representatives of all parties and of the Government. When I say representatives of all parties, I do not mean Hindus and Muhammadans only, but Christians, Parsis, Europeans and Indians all alike. Those who live in this land have a duty to discharge towards their fellowmen. The discussions which have taken place have shown what that duty is, in what direction we have to make an effort. I do not think that the Resolution or any of the amendments before us will be agreed to to-day, and I then think of the months that are going to intervene before we shall meet again in this House. Now the question is, what are we going to do during this period ? I have one suggestion to make to my friends who represent the different communities here, and it is this. Let us make up our minds, and let us take a vow that we shall every one of us in our own individual capacity go forward to meet the masses of our people in a religious spirit and speak to them our minds, as we have been speaking here to-day, nay more, that we shall tell them where we believe that they have been in the wrong and ask them to avoid the wrong in the future.

Mr. K. Ahmed : Who excited the people, Sir ?

Mr. President : The matter the House is engaged with is too serious for such interruptions.

Pandit Madan Mohan Malaviya : Sir, I regret my friend Mr. Kabeer-ud-Din Ahmed speaks much too light-heartedly when he should not. Sir, I appeal to all friends to do this duty not by way of a complaint that any one has failed to do it. I feel that whether any one else has or has not failed to do his duty, I have failed to do mine to the extent I should have done—and I have been very much pained that I should have failed to do my duty fully and well. I wish that everyone should do his part better than I have done mine, and I wish that I too should do my part as well as is expected of me to do it. But I do ask all my friends, Muslims as well as Hindus, Indian Christians, Europeans, all in this House and outside it, to recognise the duty we owe to our innocent fellowmen to save them from undeserved suffering and to use all our effort and influence to bring about a disappearance of this feeling of communal tension which is raging in the land. I believe, Sir, that, if the masses of the people are called together and matters are properly explained to them, it will greatly help to reduce this tension. As the Honourable the Home Member said they are the most important people to be approached, they are the men out of whom come the victims who are sacrificed to the wrong notions, to the wrong ideas which some of us who address them or influence them, put into their heads. I wish that the masses should be approached by the leaders of the Muhammadan, Hindu, Christian and European communities, that they should be told not only what their rights but also their obligations to one another are, that it should be pointed out to them that certain things shall not happen even if any amount of force or threat of force is used, and that certain things shall happen because they are right and proper. I wish that the mistakes into which they have been led should be pointed out, that the results of these mistakes should be pointed out, and I do believe, Sir, that the great bulk of them will be weaned from the evil notions which have been put into their minds by some of us who ourselves entertain wrong ideas

as to what would promote the interests of the communities to which we belong. I ask all my Muslim and Hindu friends to take up this task, and I also ask that Europeans and Christians and members of other communities should join in this endeavour. Does it make any difference whether it was a few Hindus or a few Mussulmans who had their heads broken? Does it matter to any man of right feeling what religion an innocent victim of an unprovoked assault followed? Is there not enough humanity left in us to lead us to feel a genuine grief that a fellowman who had done no wrong or injury to anybody should be cut off in the prime of his life, that his career should come to an untimely end and his family should be deprived of his support because some stupid, some wrongful notions about the demands of one's religion had been put into the mind of some other uneducated fellowman which led him to commit the outrage? I ask everyone who feels that these outrages are wrong to stand up to condemn them in a manner which will leave no doubt in the minds of the masses that they mean what they say, that the outrages cannot be condoned and must be visited with punishment both in this world and in the next. It is only thus that the men of light and leading in a community can bring about a better feeling between the erring members of the two communities, and restore peace among them.

And now as regards the Government, I submit, it can help immensely in this matter, not by legislation, not even by calling a Conference, but by thinking out calmly as officials of the Government can think out, what the right policy is, by declaring that policy and calling upon the leaders of all communities to co-operate with the Government in enforcing it. I submit, Sir, that there is unnecessary nervousness shown in getting men together to talk about these regrettable communal troubles. I think it is the duty of the Government, as the Honourable the Home Member has said, to bring about peace among the members of different communities. Certain principles can be considered and laid down, and their acceptance by the leaders of the different communities can be brought about. Those who agree with them should be expected by Government and the public, and by men of all communities, to go forward with those principles to face any mobs, to face the men of their own communities and tell them in the presence of their fellowmen of other communities where they are wrong, proclaim to them the right path and ask them to follow that path. These unfortunate bickerings, these unfortunate riots, would not have gone on to the extent they have gone on; so many lives would not have been lost, if we had done our duty in the manner I suggest. And I appeal to every brother, to everyone in this House and outside it, whom my voice can reach, to remember that this is a sacred duty that lies upon us. These riots would very soon be a thing of the past if the leaders of thought, if educated men of light and leading in each community will take up the task in right earnest, and if the members of the Government will make up their minds to proclaim the right policy and enforce it. If they will also find out who are the men who are actually practising what they profess and endeavouring to promote what they say they have at heart, I submit our differences will be settled in a very short time.

The occasions when communal troubles arise are few. They are well-known. The concurrence of the Ram Lila and the Mohurrum takes place at long intervals. Times are laid down during which proces-

sions have to pass certain streets. The authorities who are responsible for maintaining law and order should be expected and should be encouraged to maintain the rule which has been laid down as most of them do, and to get people by gentle persuasion and by good influence to follow that rule. If any body of men should depart from that rule, if they should not follow the orders that have been issued, no matter to what community they may belong, they must be brought to book and punished. Another occasion when a trouble arises is one when a cow is led for slaughter. Our Mussalman friends know it, our European friends know it, that we Hindus have a real reverence for the cow, and that we honestly feel pained if a cow is to be slaughtered within our knowledge. But we have recognised the situation, we have reconciled ourselves to the situation in which we find ourselves. We know that slaughter houses exist all over the country. We do not go out of our way to quarrel with any man who is leading cows to the slaughter house day after day. We have recognised that the man is doing it because it is his duty to do it. There are European friends, Mussalman friends, who want the slaughter to take place. We have reconciled ourselves to this and I do not think that any officer of Government or any other Member of this House or outside will be able to mention a single instance where a man leading a cow to a slaughter house has had any attack made upon him by a Hindu. But when a Hindu finds that a cow is being paraded through the parts of a town in which he is living, if he finds that a cow is being taken through the street in which he lives in such a manner as to tell him "here we are going to cut this cow to pieces", that is a most unfortunate situation which causes the very greatest pain to him. I assure you, Sir, and I assure every Member of this House that that pain is genuinely felt. It is not prompted by any ill-feeling towards any Muhammadan brother. Let my Muhammadan friends feel certain that the objection of a Hindu to a cow being so led is prompted by a feeling of the pain which he feels by being told that a cow is going to be cut into pieces. He desires that the cow should not be led in such a manner and in such parts that it will amount to a challenge to him to save it as his religion enjoins it upon him to do. In the circumstances of the case if on such an occasion some Hindus cannot exercise restraint upon themselves and endeavour to rescue the cow, I ask our friends to have pity upon them. While they must bear the punishment of violating the law, I ask our friends to have pity on them, remembering that there was a genuine feeling at the bottom of their hearts which led them to do it. If a Hindu goes out of his way to rescue a cow from a Muhammadan who is taking it inoffensively to the slaughter house, I would condemn him as strongly as I would condemn a Muhammadan who would willingly lead the cow in such a way as to hurt the feelings of the Hindu. If this is done, let the authorities take charge of the man who commits the offence, and who departs not merely from the rule of law but also from what should be the recognised rule of good citizenship. Let him be punished. Let it not be a Hindu-Muslim question. I have no quarrel with my Mussalman friends all over the country because some Hindus have quarrelled with some Mussalmans somewhere. If a Hindu has rescued a cow from the hands of a Mussalman brother, let it not be made a ground of quarrel with the rest of the Hindu community. Let it be treated as an unfortunate isolated incident which requires to be dealt with according to law and let it end there and vice versa.

As regards the question of music before mosques it is known to every one that until two years ago this was not a live question. (*An Honourable Member : "Question ? "*) In answer to a question put by Mr. Harchandrai Vishindas the Honourable the Home Member said that it was in 1882 that a question like this arose. He was not good enough to mention the city or the town where it arose. He did not think it fit to do so. But he said it was in 1882 that a question like that arose in one place in this vast country. Assuming, Sir, that that question was raised, not by an individual but on behalf of a community, it is not too much to assume in the absence of any evidence to the contrary that from 1882 to 1922 there was not a single case—I should like to be corrected if I am wrong—where the playing of music before mosques formed the subject of a quarrel between Hindus and Mussalmans.

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : There were several cases of disputes on account of this.

Sir Hari Singh Gour : All local cases.

Pandit Madan Mohan Malaviya : I do not know. I should like to be told of them. Now, Sir, I submit that from 1882 to 1922 we have not heard of any case of the playing of music before mosques giving rise to a quarrel between Hindus and Muhammadans. My friend tells me there were some cases. I will accept his statement. But if there were they were very few. And I submit that the solution of this question is not difficult. It is to be found in the rule suggested by His Excellency the Viceroy that such questions should be decided in conformity with established local custom. Mussalman Members, Hindu Members, European officers of Government, European residents of cities know what the practice in a particular place has been. Asked in private or public, every respectable man will state what the practice was. Let that practice be continued. If music has been stopped before a mosque by agreement between the communities or by an order of the court, let us adhere to that rule. Let Hindus submit to it and respect the custom so established. But if music has been played before other mosques, which are countless in the country, let my Mussulman friends tell the Mussulman community generally that they have to observe what has been the established practice and not to raise an unnecessary quarrel over it. That is a very simple solution of these unfortunate communal quarrels. If we are sincere and earnest, as I am sure Members of this House are, in our desire to put an end to these quarrels, that is the path which will lead us to the end which we have in view, and I honestly recommend it for the consideration of all Members of the House.

I have indicated the part which the Government has to play in this connection. Government exercises supreme power in this country. If the officers of Government will only be strict and impartial in the discharge of their duties, much trouble and many complications will be avoided. And I wish to draw the attention of the House here to the words of His Excellency the Viceroy, to which the Honourable the Home Member referred, namely, that Government officers are expected to do their duty in this matter with fairness and scrupulous impartiality. I ask nothing more of Government officers. The great bulk of them, I repeat, have done their duty very well. It is only some who have failed and shown weakness. It is for these latter that a little advice and clear

guidance is needed. We know that some officers of Government have acted in one manner and others have acted in another manner. The Government of the Central Provinces have adopted a certain policy which has prevented trouble from brewing in the Central Provinces. The Government of Bihar have also adopted a somewhat similar attitude. In Assam, the Mussulman Minister declared his views and that has helped to settle the matter very much. Mr. Abdul Aziz, Barrister-at-law of Patna, has openly declared his opinion against the agitation for stopping music before mosques, and I am certain that in Bihar it has had a very good effect. I know there are several other friends who have expressed their opinions publicly or privately on this question. I ask other Mussulman friends and Hindus also to declare their views, stand by them and ask the members of their respective communities to follow them. The riots have injured both communities. Mussulmans have been killed and Hindus have been killed. Innocent men of both communities have suffered. That is a matter which cannot be a matter of indifference to members of either community. I submit, therefore, that on the eve of the dissolution of this House we should all take a vow that we will do all that is honestly possible for us to do to bring about an early settlement of these differences and thus render a duty to the country, to the Government and to God.

The Honourable Sir Alexander Muddiman : Sir, this debate which it was proposed to adjourn by a motion some hours before Lunch has now proceeded for a considerable period. We have had the advantage of hearing speeches from two prominent Hindu leaders, Lala Lajpat Rai and Pandit Madan Mohan Malaviya. I think that if the debate had served no other purpose it would have been well worth having. With what my Honourable friend Pandit Madan Mohan Malaviya says I am very largely in agreement. He, with his usual eloquence, has put forward a case for peace and compromise and with a persuasiveness which is peculiar to himself. I am sure it has made a great impression on the House. He has reinforced the argument I pressed on the House this morning that it was in the power of every Member of this House when he returned to his village or town, as the case may be, to exercise influence on the more ignorant masses that surround him. I understand he agrees with me that that is the clear duty of the citizen. I am glad to hear it. I am sure that nothing could be more conducive to communal peace than the general acceptance by the House of those eminently wise and sane suggestions. I am sure that he feels with me, and indeed he said it on a previous occasion, that the influence of the leaders of the various communities is less than we could hope, and it is mainly, as I indicated this morning, to the direct influence of men possibly less known than the leaders to which we have largely to look. I do desire again to reinforce the point that it is the citizen, the good citizen, who lives in the locality who can intervene to prevent these occurrences on many occasions. I must, however, make one observation. My Honourable friend referred to the important festivals as occasions of great danger when special precautions ought to be taken. It is true that has been the case for many years, and on those occasions it is the duty of Government, and Government has, I submit, fully discharged that duty, to take special precautions. But let us not forget that the state of feeling now is such that communal disturbances are not confined to the great festivals. Let me tell the House that one of the largest, one of the most important outbreaks which occurred in the city of Delhi, our capital city, was caused by the

bolting of a tonga pony. That is a contingency not within the prescience of any Magistrate however far-seeing he may be. Let me tell the House that no later than a day or two ago an occurrence took place in the Chandni Chouk, the principal thoroughfare of the great city of Delhi, which was due entirely to the dismissal of a Hindu bank peon by the Hindu bank manager because he had been impertinent to a Muhammadan customer of that bank. Now, Sir, that is not an event which it is possible to foresee. Even in this morning's paper I read of a somewhat similar occurrence. A thief darting away ran into a lamp post. He fell down. I have forgotten for the moment to which community he belonged, but he fell down and a communal riot very nearly ensued. A further instance was the case cited yesterday in another place of a tramway conductor who was endeavouring to collect fares from little boys of the other community who wanted to take free rides. That, Sir, led to a dispute that nearly led to communal disturbance. Now Sir, I do not relate these occurrences merely to amuse the House. They have a very serious lesson behind them. They show that the appeal made by my Honourable friend is none too late. It is most

4 P.M. desirable and it is essential that this House should endorse it. It is equally essential that the officers of

Government should, as I have contended they have done in the past, take every opportunity of conciliation. The Local Governments and we in the Government of India should do the same. Any suggestions to deal with the evil and its causes that have been brought forward in this debate would merit the very serious consideration of Government, but I cannot conceal from the House that they have not been very definite. We have had a good deal of general talking, and I believe that has done some good. I believe this debate will do something to heal the two communities, but practical suggestions for dealing with the question, I regret, have not been many. My Honourable friend, Lala Lajpat Rai, in a very interesting speech referred to the fact, the undoubted fact, that religious disputes are, as we know from history, common in other countries. They have been I think generally the first manifestation of polities ; but when we are told that the grant of immediate self-government would terminate all these disputes, my Honourable friend will pardon me if I do not go the whole way with him. Now, Sir, this morning Colonel Crawford also threw out some suggestions. I think he suggested—if I am not doing him wrong—that the Government of India were rather inclined to lie back in their armchairs and say : “ Well, we have done all we can.” Sir, there are two schools of politicians. There is the armchair politician ; I know him well ; he says “ why don't you keep order in India ; why don't you stop it ? ” I have heard that. I also heard from an experienced Indian who has held high office, that the way to stop these outrages was for Government to put down its foot firmly. Well, Sir, when you come to details, what exactly is “ putting down your foot firmly ” ? You can no doubt by displays of armed force inspire awe in the inhabitants of a locality, and that at times it may unfortunately be necessary to do, but no civilized Government can regard that as a permanent method of administration. Colonel Crawford suggested that the Government of India would do well to confer with the leaders of political thought. Now, Sir, let me make it perfectly plain that I have no desire whatever to shut the door to any means which will enable us to deal with this communal trouble. I have no cast-iron method of procedure. But we have to consider that conferences require their own atmosphere. They require an atmosphere of conciliation. They

require, in the first place, that those who propose to confer are themselves inclined to come to an agreement. Now I do not want to refer to it in any detail, but it is an admitted fact that the leaders, the so-called leaders of political thought, have done their best to come to some conclusion in these matters. My Honourable friend the Pandit shakes his head. Well, it has been said that they have done so, at any rate they did meet for the avowed purpose of doing so—I am not putting it higher than that—but their efforts were not as successful as we could have wished. If, however, at any time they are prepared to put their heads together again and come to Government, Government will give any proposals they have their most careful consideration. It is always open for individual suggestions to be made to us. But that is not going so far as to say that I commit myself to any of these Resolutions or amendments, which, as has been pointed out by various speakers, are extraordinarily wide in their scope and extremely vague in their terms.

They are all moved, I am convinced, with the desire to do something beneficial in regard to the state of affairs as they now exist and to that extent they are valuable. But I put it to the House that their main purpose has been discharged. We have had a valuable discussion. We have had leading men on all sides expressing words of peace. The action taken by the Government, particularly the action taken by His Excellency in the Chelmsford Club speech and in his address to the Legislature, has been commended on all sides. The debate has certainly gone a good deal in the direction I should wish it to proceed. But I ask you not to attempt to tie Government down to any particular Resolution or amendment of those which have been moved to-day. We are certainly willing at any time to meet any reasonable propositions that may come to us. I do not desire to shut the door to any question of a conference as long as I am convinced that there is some reasonable probability of a benefit resulting from that. I can conceive that a conference held at a moment which was not opportune, held in a way which was not well considered, might really work against the very thing we wish to secure. Sir, I would ask the House, if they consider I have met the various speeches in a reasonable and sympathetic way, to join with me in requesting all those who have moved both the Resolution and amendments to withdraw them.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I quite realise the great effect that has been produced by this debate and I do not wish to press my amendment to a division. With the leave of the House I desire to withdraw my amendment.

The Amendment was, by leave of the Assembly, withdrawn.

Mr. K. C. Roy : I am satisfied with the assurance given by the Honourable the Home Member that he has not barred the way to a conference. I therefore ask for leave to withdraw my amendment.

The Amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Yakub : Sir, after hearing the sympathetic speech of the Honourable the Home Member I think the object of my Resolution has been fully served, and, therefore, I beg your leave to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Thursday, 19th August, 1926.

RESOLUTION *RE REPORT OF THE TAXATION ENQUIRY COMMITTEE.*

The Honourable Sir Basil Blackett (Finance Member) : The *Resolution which I have the honour of moving to-day is in a form which represents something of an innovation in our procedure. It contains no recommendation which commits either the Government or this House to an acceptance of the Report of the Taxation Enquiry Committee as a whole, or even an acceptance of any of its particular recommendations. The object which Government have in mind in bringing forward this Resolution is a simple one. They desire to implement their promise that, before taking action on any of the recommendations or proposals of the Committee, a full opportunity of discussion will be given to this House. It is in fulfilment of that promise that this Resolution is moved, and I hope Honourable Members will take full advantage of the debate, so that in considering taxation questions hereafter the various Governments in India, and in particular the Central Government, may have on record, besides the Report of the Committee, the considered views of the Members of this Assembly with their three years' experience of work in Delhi and Simla before they disperse to woo the suffrages of their constituents and make a bid for membership of the next Assembly, or, it may be in some cases, to retire and rest on their laurels. Even those who do not come back may perhaps find to-day's study of the vexing subject of taxation of value for the purpose of criticising us from their safe retreat. Those who come back will no doubt have many other opportunities of voicing views on detailed proposals in the Report especially at budget times when I look forward with assured confidence to being attacked vigorously both for acting on and for failing to act on the recommendations of the Committee.

The Government have no intention to-day of announcing decisions, provisional or otherwise, on the Report of the Taxation Enquiry Committee as a whole, or even, except incidentally in regard to a few minor points, on any of the detailed recommendations of the Committee ; the time for doing so has not arrived. It is needless to say that the words "take into consideration" have no technical meaning in this Resolution as they have when applied to the second reading of a Bill. The Report itself is not one on which it is ever likely to be possible or desirable for the Central Government at any time to announce that they accept or that they reject the findings of the Committee as a whole. The Report and its accompanying volumes present to us a picture of Indian taxation as it exists to-day, tracing the genesis and history of different forms of taxation, examining the effects of particular taxes, bringing out the general tendencies of recent taxation, criticising here, suggesting there, and in a word, providing a general guide to the study of Indian taxation. The labours of the Committee will be a mine of information both for the Central Government and for the Provincial Governments and their Legislatures, and for critics inside and outside the Legislatures, for many years to come, whenever proposals are under consideration for increasing, reducing or

* "This Assembly recommends to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee".

modifying taxation. The Government could not, even if they would, announce a definite decision on most of the recommendations and suggestions in the Report. They have still to be discussed with the Provincial Governments, and in many cases the decision will rest entirely with those Governments and their Councils, and moreover the Government of India have promised that before coming to decisions they would give the Assembly this opportunity of considering the Report. The time for decision on details will be when the Central Government or the Provincial Governments bring forward budget proposals regarding taxation.

The greatest service done for us by the Committee and one for which we can all unite in expressing our gratitude irrespective of our views on details, is that they have brought together within the compass of an easily handled volume the facts in regard to the whole of the taxes now levied in India, as well as in regard to land-revenue on which there is and always will be some dispute whether it is properly described as a tax or not. The work of the Committee enables those who are concerned—and all are concerned—in the question of Indian taxation to survey the whole of the activities of the Indian tax-gatherer, from the chowkidari-tax to super-tax, from the Thathemada-tax in Burma to occupier's rates in Sind. Central taxation, Provincial taxation, and municipal taxation are all included in this survey, and so far as I am aware, this is the first time in the history of British India that such a complete survey has been made under Government auspices. The desirability, indeed the necessity, of such a survey cannot be questioned and was not questioned even when we had some considerable discussion in this House as to the scope of the Committee's functions. It was explained then on behalf of the Government that what was wanted was a practical examination of the existing system and suggestions for its improvement, with particular relation to the distribution of the burden between the different classes of the community. The Committee were not concerned with expenditure, nor are we concerned with it to-day. Our object is to examine how and in what directions our existing methods of taxation can be improved, given as a starting point the necessity of a given scale of governmental expenditure.

It is human to regard all taxation as robbery. Each individual regards it as a grievance that his money is taken away from him for Government purposes. He is confident that he can spend his money better for himself than any Government can spend it for him. He may recognise in theory that there are certain services which only the Government can perform on his behalf, and he may be and often is clamorous in his demand that the Government should do this or that or the other thing, and very critical of the Government for failing to do what he demands. Nevertheless, he never gets away from the belief that he has a grievance because the Government collects its tax from him. When the Government spends money on defence, or law and order, or on sanitation or education, it is doing for the individual a service essentially required by him which he could not perform for himself in isolation and not even in most cases by voluntary combination with others. Even where a service is capable of being performed by voluntary combination, it may very often be the case that the Government can do the service both with more efficiency and at less cost than if it were left to individuals in combination. In India especially the demand for Government intervention in many directions in which in other countries reliance is placed on private initiative is always vocal,

that is to say, the demand in India for Government expenditure, which means Government taxation, is particularly insistent. It was, I know, one of the hopes of those who were responsible for the introduction of the Reforms that a Government acting with a legislature on which there was a majority of elected representatives of the people would be better placed for the purpose of undertaking social activities, for raising and spending money on beneficent governmental measures of education and sanitation and so on, than the Governments of pre-Reform days. To some extent these hopes are being realised, and particularly in those Provinces which have been fortunate enough to secure a reduction of their provincial contributions the outlook to-day is hopeful. I might mention, for instance, what is being done for primary education in Madras and the Punjab, and I am confident that the hopes of the reformers will be increasingly realised. It is difficult to exaggerate the potential gains to India of a vigorous policy of extension of primary education—and that means money.

In these circumstances the policy and machinery of taxation in India become matters of supreme importance. I do not mean to imply that additional taxation will be immediately necessary or desirable ; on the contrary, for the time being, as we get further away from the war upheaval, I look forward to the day when with the early extinction of the whole of the provincial contributions and with some improvements introduced into the Merton Settlement which will give greater elasticity to provincial revenues, the Provinces will be able, without extra taxation, to carry out many of the plans on which progressive Ministers have set their heart for ameliorating the lot of their peoples, and the Central Government may be able to assist them in the best way open to it by carrying further that relief of the burden of the central tax-payer already happily begun in the reduction of the salt tax and the abolition of the cotton excise duty, not to mention the reduction of railway tariffs, all of which have been secured during the lifetime of this Assembly. But even before tax reduction becomes an active possibility, we want to know, and it is our duty to find out, whether adjustments of existing taxation may not be possible which will give the Government as much revenue as at present in a more economical way, that is, in a way which reduces the true cost of the sacrifice which the tax-payer is called on to make. And when the opportunity for tax reduction really comes, we want to be able to choose the right taxes to reduce and to effect reductions in the way most beneficial to the community. The absence of any complete survey of Indian taxation was severely felt in the days of the last Assembly when it was called upon to impose the additional taxation which was absolutely essential for India's solvency. Thanks to the Report and the other volumes now before us, we need no longer suffer from a similar disability when the time for reversing the process arrives.

The Report brings out in a striking way the changes which the last 10 or 12 years have introduced into the taxation system of India. In the year 1913-14, of the total tax revenue (including land revenue) of India, 35.42 per cent. came from land revenue ; only 12.99 per cent. came from customs, and 3.52 per cent. from taxes on income. Owing to the introduction of the Reforms exact comparisons between 1913-14 and to-day are a little difficult, but approximately the figures for 1923-24, the latest year for which accurate data can be given, are : from land

revenue 20.75 per cent., from customs 24.30 per cent., from taxes on income 12.30 per cent.

The war and its aftermath have led to large increases in taxation in India as well as in other countries. This is partly the result of war indebtedness, partly the outcome of expanding views regarding the sphere of governmental expenditure already visible before the war, and partly the natural and inevitable reflection of the fall in the purchasing power of money. The following figures which were, I believe, originally worked out for the use of the Taxation Enquiry Committee will illustrate what has been India's experience. Taking into account all the tax revenue, including land revenue, of the Central and Provincial Governments, the incidence of taxation per head rose from Rs. 4 annas 2 in 1902-03, to Rs. 5 annas 6 in 1913-14, and to Rs. 11-1-0 in 1922-23. The distribution of this taxation as between the cultivator and the non-cultivator, on certain assumptions which are necessarily hypothetical and which I need not here explain, was as follows: In 1902-03 the cultivator paid Rs. 2-10-0 and the non-cultivator Rs. 1-8-0. In 1913-14 the cultivator paid Rs. 3-1-0 and the non-cultivator Rs. 2-5-0. In 1922-23 the cultivator paid Rs. 4-12-0 and the non-cultivator Rs. 6-5-0. As the index number of wholesale prices in Calcutta rose from 100 in 1914 to 180 in 1922, it will be seen that the increase in total taxation per head at the end of 1922-23 was largely accounted for by the fall in the value of money, and it is doubtful whether the real burden on the cultivator was any higher in 1922-23 than in 1913-14.

Since the introduction of the Reforms land revenue has ceased to be an important contributory to central revenues. The budget of the Central Government, so far as it depends on the proceeds of taxation, is fed mainly by customs, taxes on income, and salt. In the year 1926-27 central taxation is estimated to produce a total revenue of 74.4 crores, of which 62.4 per cent. comes from customs, 23.0 per cent. from income-tax, and 9.3 per cent. from salt. Owing to the urgent necessities of the years 1921 and 1922 the Government of India were driven to make large increases in the customs duties and the policy of discriminating protection accepted by the first Assembly in 1923 has also tended to increase the gross yield of customs duties. The proportion which they bear to our total revenue is, I think, a matter of some concern, and we shall, I think most of us, agree with the Taxation Enquiry Committee that it would be preferable if direct taxation contributed a larger share of our total tax revenue. To some extent we may hope that this will come about automatically since the yield from taxes on income is at present abnormally low owing to the worldwide depression of trade in which India has been sharing. There are, however, some important suggestions in the Committee's Report for improving the yield from taxes on income. I refer particularly to the problem of evasion, legal or otherwise, which it will be necessary for the Government and the Legislature to examine together with a view to a solution at an early date.

The growth of communications and the spread of irrigation in India, the introduction of the Reforms and the allocation of land revenue to the Provinces, and above all the separation of the Railway Budget from the General Budget, have greatly modified the problem of producing a Central Budget since the days when a predecessor of mine described the Indian Budget as a gamble in rain. The Ways and Means figures

which include those of the Provincial Governments, are still very much dependent on the monsoon. But it is now very much easier for the Government of India at the time of the presentation of their annual Budget to feel confident that reasonable reliance can be placed on their estimates of revenue taken as a whole. Generally speaking, it is the following year and not the year to which the Budget relates that will be seriously disturbed so far as the central Budget is concerned, by a bad monsoon. This is a considerable gain, and I think we shall be wise if we take thought in time how best to maintain and improve on the advantages thus secured. The item in our revenue which is most dependent on the monsoon is Customs, and we must be careful not to re-introduce the gamble by relying too much on the proceeds of customs duties.

I do not propose to deal in detail with any of the recommendations of the Committee in regard to Customs. I confess to disappointment in finding that they have to some extent gone back on what I regard as the wiser views of the Fiscal Commission on the subject of export duties, and in particular on the undesirability of using export duties for protective purposes. I think also that the Committee have tended to lay undue stress in regard to customs duties generally on the question of incidence and too little stress on the economic effects of particular duties. The question of incidence is of course very important and enters into what I have been saying in regard to the desirability of increasing the relative importance of direct taxation. But in dealing with duties such as the import duty on motor cars, for example, it is not, I think, sufficient to say that the increase in the number of cars imported justifies the rate of 30 per cent. The Committee themselves see this in another passage when they suggest the desirability of considering the duties affecting the users of motor cars as a whole and endeavouring to come to some arrangement which will secure, without necessarily reducing the total taxation paid to all the different taxing authorities in India by motor car interests, the rapid development of motor transport in India with all the benefits that it would bring to Indian economic, social and agricultural welfare. This is a subject which will require and deserves the attention both of the Central Government and this Assembly and of the Provincial Governments and their Legislatures.

In view of the shortness of the time at my disposal, I will say nothing now in regard to other items of central taxation beyond mentioning the fact that in accordance with the Committee's recommendation we have appointed an officer to make an expert examination of the whole subject of the production and distribution of salt in India. The opportunity which the centralisation of salt administration offers us must be seized in order to secure that competition between one province and another may not interfere with the efficient and economic conduct of the business as a whole. The examination by this officer will, in addition, prepare the way for considering whether there is a *prima facie* case, as is suggested by the Committee, for approaching the Tariff Board with a view to the protection of Indian salt and the dethronement of imported salt from its predominant position in Bengal and Burma.

A large portion of the Committee's Report is concerned with questions such as land revenue, in regard to which the primary responsibility rests on the Provincial Governments and their Legislatures. The examination of the Committee's proposals and views on these subjects must

be left mainly to the Provinces. I shall say little to-day in regard to provincial and municipal taxation, except in so far as it requires mention in connection with the subject to which I now pass, namely, the important subject of the financial relations between the Central and Provincial Governments and the allocation of particular taxes to the one or the other.

In the days before 1921 India was familiar with what were known as the periodical provincial settlements and in some respects the settlement which accompanied the introduction of the Reforms represents a natural and historical evolution of processes which were in operation before 1921. But it has always seemed to me that it has been insufficiently realised that the Reforms meant a complete break with the past and the introduction of a revolutionary change in the fiscal relations between the Central Government and the Provinces. The Reforms once and for all changed the position of the Provincial Governments from that of subordinate agents of the Central Government carrying out their functions, including the functions of raising taxation and spending money, on behalf of and under the orders of the Central Government, and made them into separate Governments forming constituent parts of an Indian Commonwealth whose federal functions were entrusted to a Central Government. In a word, the Reforms introduced India to all the problems of federal finance. The right solution of these problems is of paramount importance if the aspirations of those responsible for the Reforms are to be fulfilled and India is to develop along the lines of responsible self-government. The importance of right solutions cannot be overstated.

There is an instructive article in the June number of the *Round Table* in which attention is drawn to the enormous economic waste resulting from the fact that continental Europe (excluding Russia) with an area of 2,100,000 square miles is divided up into a number of nationalist States with independent taxation systems and 26 customs barriers. This disunion is contrasted with the United States of America where in an area of 2,617,000 square miles there is not a single tariff barrier. India with an area of nearly 2,000,000 square miles and a population three times that of the United States of America has the immense advantage of being for practical purposes a single economic unit with a single customs tariff. It is true that the customs tariffs of some of the Indian States detract from the completeness of the unity, and ideally there would be considerable gain if these exceptions, together with the provoking interferences with commerce imposed by octroi and transit duties where they exist, could be done away with. The Taxation Committee has done a real service in drawing attention to the dangers of octroi and transit duties. The economic unity of India is an immense asset to her, and in my opinion is the essential condition of her political unity and development as a nation. It must never be forgotten how easily and quickly mistakes in dealing with problems of federal finance and federal taxation might threaten this unity. Let me give an example. Under the Meston Settlement excise duties are allocated to the Provinces and are in all cases a transferred subject. It was not long after 1921 before it was discovered that the possibilities of extreme inter-provincial friction were lurking behind the question whether the excise duty on liquor produced in one Province and consumed in another should accrue to the producing or to the consuming Province. It has now happily been settled by agreement between the Provinces that duty should follow consumption, but

obviously in the absence of a right solution inter-provincial friction might have led to economic warfare between one Province and another and the re-introduction of something not easily distinguishable from customs barriers. It would also have led inevitably to the intervention of the Government of India in a transferred subject, which is quite contrary to the intention of the Reforms to leave Ministers masters in their own house in regard to transferred subjects. There are still some unsolved points in regard to this question of duty following consumption, as for example, the question of duty on *charas* collected in the Punjab and consumed in the Indian States, but the principle that duty follows consumption has been affirmed. Take another example—the Taxation Committee Report is full of them—transit and terminal taxes. A case came to my notice recently in which a local authority proposed to put a heavy duty on goods exported from within its jurisdiction in an area in which the main export is salt. The local authority was in effect trying to encroach upon the Central Government's sphere of taxation. It is absolutely necessary to arrive at clear rules regarding the limits between the powers of taxation of one taxing authority and another if this sort of encroachment is to be prevented, with its inevitable sequel of intervention by the superior taxing authority in the doings of a subordinate authority contrary to the spirit of local self-government. If each authority is to be free to develop its own sphere, general principles must be arrived at preventing encroaching or overlapping. Care has to be taken that such a tax as the profession tax does not become a second income-tax interfering with the Central Government's powers in assessing and collecting income-tax. You cannot have proper development of self-government whether in a Province or in a municipality or in a district board unless the line of demarcation is clearly drawn and intervention by the superior authority rendered unnecessary by clear rules limiting the powers of subordinate authorities to encroach on the superior authority's sphere of taxation. Equally of course the Central Government must take care in framing its taxation proposals not to encroach on the powers of the Provincial Governments and local authorities.

The Meston Settlement must not be regarded as *eiusdem generis* with the provincial settlements of the pre-Reform period. It was their lineal successor, but it was different in kind. It was intended to be definitive, and though no doubt it was expected that minor improvements could be introduced from time to time as the result of experience gained in working, it is important that all should realise that it is not a provisional settlement to be revised periodically with reference to the growth of revenue and expenditure in each Province. If after a given period the requirements of each Province are to be re-assessed with reference to the progress of expenditure in the Province, it is obvious that it would not be possible for the Central Government, or indeed for the other Provinces, to disinterest themselves in the use to which each Province was putting its powers of self-government under the Reforms. Provincial autonomy would be impossible in such conditions. The financial relations between the Central Government and the Provinces must be settled in a way which leaves each free to attend to their own spheres of administration without encroaching on or interfering with the other. The Central Government must have assured sources of revenue, sufficiently elastic to enable it to deal with the big emergencies to which it is subject. The Provincial Governments must have their separate sphere of taxation and must be able and willing to develop

their own revenues and their own expenditure policies in the interests of their own inhabitants, without encroaching on central revenues and without being encroached on by the Central Government's tax collectors.

If we are to approach the question of improving the Meston Settlement with any reasonable hope of success, we must begin with the proposition that the Meston Settlement is the only possible starting point and that our object is to amend it and not to replace it.

We cannot, for example, propose to take away something from one Province and give it to another ; if anything is to be given, it must be at the expense of central revenues, and even then care must be taken not to favour one Province more than another. The Government of India have come to no conclusions as yet in regard to the proposals of the Taxation Committee for an improvement of the Meston Settlement. It is possible, however, to envisage the lines which amendment should follow. In the first place, it is, I think, obvious that central revenues cannot be called upon to make any new concessions to any of the Provinces until we have fulfilled our primary obligation of getting rid of the provincial contributions. Until these are extinguished, the original settlement will not have come fully into force, and if we start to give up something either to an individual Province or to the Provinces as a whole before the contributions are extinguished, we shall really be causing one Province to surrender something in favour of another. Our starting point therefore is the position which will have been reached when the provincial contributions are extinguished, and our object is not to invent a new settlement but to see whether we can improve on the existing one. The next point which I want to stress is that the provincial contributions have very unhappily obscured the true state of the case. The intention of the financial settlement under the Reforms was that the Central Government, and the Provincial Governments should each have their separate and independent spheres of taxation and should henceforward rely on these and cease to hanker after each other's possessions. There ought to be no more reason for one of the Provincial Governments to look greedily forward to getting a slice out of what is at present central revenue than there is for the Central Government to hope for getting extra money out of the provincial tax-payer towards meeting central expenditure. But the existence of the provincial contributions has led all the Provinces quite naturally to objecting to making fresh demands on the provincial tax-payer and throwing the blame for local penury on the Central Government which has not yet remitted the provincial contributions. And this had led on to the further consequence that quite apart from the provincial contributions, the Provincial Governments and Councils have been living in hopes, not perhaps very sanguine but still enough to divert their minds from the development of their own powers of taxation, of being able at some future date to raid central revenues. The urgent desirability on every ground of ending these contributions is a theme on which I need not enlarge.

Now, the most important of the suggestions of the Taxation Enquiry Committee in this connection are perhaps those for adding elasticity to provincial finance by giving the Provinces a larger share in the proceeds of taxes on income, and for taking back non-judicial stamps for the Central Government. There are many arguments in favour of the latter proposal. The allocation of non-judicial stamps to the Provinces under the Meston Settlement was decided upon not on merits, but as a balancing

factor. It has been found necessary to fix the rates of duty in many cases by Central Government legislation in order to prevent variation between Province and Province, and considerable difficulties have arisen as the result of variations in those duties the rates of which are not centrally determined. If the Government of India are successfully to pursue their policy of improving the financial, banking and monetary machinery of India, a matter which will become specially urgent when the Report of the Currency Commission is considered, it seems almost inevitable that they should resume the power of determining the rates of duty on financial instruments of all kinds and recover freedom to act without reference to the narrower interests of provincial finance. The Taxation Enquiry Committee make various suggestions as to the means of balancing this transfer, but I am inclined to think that the effort to find balancing factors by transferring other taxes to or from Provincial Governments is a will-o'-the wisp : some other solution must be found.

A constant complaint of the Provinces, and in particular of the more industrial Provinces is that it is the Government of India through the income-tax, and not the Provincial Government, which gets the benefit of most of the improvements in economic prosperity which results from provincial expenditure and progressive provincial policies. There can be no question of the Central Government's surrendering the taxation of income to the Provinces altogether, and the Central Government must retain the monopoly of the right to impose income taxes. But there are strong arguments for giving the Provinces a share of the proceeds. The arguments for doing so would be still stronger if at any time the somewhat hesitating pronouncement of the Taxation Enquiry Committee in favour of income-tax on agricultural incomes were to become a matter of practical politics. The existing arrangement for giving the Provinces a share of income-tax has admittedly entirely failed of its purpose. We want a new formula for dividing an appropriate share of the proceeds of the income-tax among the Provinces, and if reasonable elasticity in provincial revenues is to be secured by this means, a considerably larger share of income-tax than at present must accrue to the Provinces. The Government of India have examined various proposals for arriving at such a formula based on the personal returns of assessable income in each Province. The first step must be to determine approximately the amount out of the proceeds of taxes on income which Central Revenues are prepared to surrender. Let us take this figure as about 3 crores. This would enable us to give to each Province in place of the existing assignment under Devolution Rule 15 an assignment at the rate of about 2½ pies in the rupee on the personal assessments of the year 1925-26, that is, the penultimate year, supposing the new arrangement would come into force on 1st April 1927. Thereafter, each Province's share would continue to be that number of pies in the rupee on the personal assessments year by year, and each Province would be able to look forward to receiving a share of income-tax which should normally be an increasing one from year to year and which would increase all the faster the more progressive the policy of the Local Government. So long as agricultural incomes do not contribute to income-tax, the index of prosperity afforded by income-tax returns must necessarily be a defective one in that it is incomplete. But in the land revenue, except where it is permanently settled, the Provinces already have a source of income whose elasticity depends on agricultural prosperity. A formula of the kind proposed

dependent on income-tax will at any rate help in giving the Provinces an interest in the growth of non-agricultural wealth.

In the case of most if not all of the Provinces the amount of revenue surrendered in the transfer of non-judicial stamps to the Central Government will be larger than the additional revenue they will secure by getting an increased share of income-tax. The opportunity will of course have to be taken to clear up as many as possible of the outstanding questions as between central and provincial revenues, and to get rid of assignments such as those given to Bombay in respect of customs duty on Government stores or to the Punjab in respect of the surrender of the excise duty on liquor consumed in the Delhi area. After taking all these into account, it might be found that in order to put each province to begin with in the same position as it would have been if no change had been made in the Meston Settlement, a fixed assignment from central revenues to provincial revenues would be necessary to restore the balance. Contributions from provincial revenues to central revenues are objectionable on many grounds both in theory and in practice; some of these objections apply to assignments from central revenues to provincial revenues; but it seems doubtful whether the jig-saw puzzle can be solved in any better way. The objections to an assignment of this sort are not insuperable provided it is recognised that the assignment is a fixed one and intended to be of more or less indefinite duration, even though it might be formally expressed as open to revision after a period of, say, 10 years.

As I stated at an earlier stage, the Government of India have come to no final conclusions, in regard to this important question. What I have said is intended merely to form the basis for discussion. A letter on these lines has just been despatched to Provincial Governments. The essential thing is, if we are to give reasonable scope for the development of provincial and local self-government, that a definitive conclusion should be arrived at as soon as possible. Amendments to the existing settlement cannot be introduced until the provincial contributions are extinguished, but I see no reason why we should be prevented in the meanwhile from arriving at an agreement as to what those amendments should be with a view to their introduction from the moment when the contributions disappear. Once the revision has taken place, the Provinces must realise that for the future they will be expected to stand on their own feet and must not look for further subventions direct or indirect from central revenues. The Central Government should rely on a few major categories of taxation such as Customs, Income-tax and Salt, and are bound to guard jealously their powers of meeting an emergency such as a great war and must not limit the elasticity of their sources of revenue. Some reduction of central taxation as soon as the provincial contributions have been cleared away is obviously desirable not only in relief of the tax-payer but also in order that there may be a margin for an emergency. The Provinces on the other hand must accept the fact that their own development is in their own hands. They must recognise the necessity of using to the full their own powers of taxation. There is a large field of taxation reserved to them and they will find many of the suggestions of the Taxation Committee, such for example as their proposals regarding water rates, an excise duty on tobacco, and probate duties, of great value. In some cases an enabling Act passed by the Central Legislature may be necessary as a preliminary. But it will be

for the Provinces to decide how far it is desirable to explore new methods of taxation whether for the purpose of reducing existing taxes where they bear heavily on the tax-payer, or with the object of meeting new progressive expenditures. Here too an eventual reduction of central taxes will help, since the central tax-payer is also the provincial tax-payer. It will also be for the Provincial Governments to remedy a serious defect which the Taxation Committee have brought prominently to light, namely, the undue reliance of municipalities and district boards on subventions from provincial revenues. The development of local taxation and local expenditure is of special importance if that extension of education and sanitation throughout the country for which all thoughtful well-wishers of India are clamant is to be brought within the range of practical politics. I do not suggest that subventions should be ruled out altogether; but they should not be relied on to take the place of reasonable local taxation. Local experience in the art of local taxation and expenditure is essential to local self-reliance and the development of local self-government. The unwillingness of many municipal bodies to impose adequate taxation and to collect it punctually and vigilantly is at present seriously hampering progress, as also their tendency to prefer the least desirable forms of taxation such as octroi and transit duties and terminal taxes rather than direct taxation. I rejoice to see that the recent conference on local self-government in Bombay set its face against unsound methods of taxation.

The economists draw a distinction between taxation for what they call burdensome expenditure and taxation for beneficial expenditure. In truth, all Government expenditure, if wisely directed, is for the benefit of the citizens as a whole, but it is easier to trace direct benefit in cases where the result of expenditure is to irrigate new land or to provide a town with new drainage or its children with education, or to provide a district with roads the building of which improves the yield of agricultural land and reduces the cost of agricultural produce delivered at the consumer's door. Efforts are sometimes made to calculate the average national income per head of the population of a country and to argue that no more than x per cent. of that average income or of the total income as so ascertained should be taken by Government by way of taxation. Such statistical comparisons are occasionally of value provided the statistics are reasonably accurate, which is seldom possible, but arguments based on such statistical comparison cannot provide us with principles for deciding on taxation policy. In a communist State it is to be presumed that the Government takes the whole of the income of the people with the idea that it can spend it more wisely than if it left the choice of expenditure to the individuals who compose its population. In an anarchist State there would presumably be no Government and no taxation. Reasonable human thought has preferred a compromise between these extremes, but human nature tends nevertheless to regard all taxation as robbery. The science of taxation and the science of governmental expenditure require to be carefully distinguished. In considering questions of taxation the object in view is to raise the amount of revenue required at the least possible economic cost to the tax-payer of the country. Provided that the taxation system is reasonably scientific, the proportion of the national income which can be wisely taken in taxation depends very largely on the nature of the expenditure to which the Government applies the money raised. There must be for every Government a minimum of absolutely unavoidable expenditure on internal

and external defence of law and order. But over and above that there is a vast amount of optional expenditure which in India includes most of the so-called nation-building services. The amount which must be raised in taxation depends therefore on expenditure policy. In considering expenditure it is essential to remember that for every rupee of expenditure a rupee of income must be provided and presumably provided by taxation. Whether the expenditure can be wisely incurred or not depends on the benefit which may be expected to result to the people of the country as a whole as compared with the benefit of some competitive expenditure or with the benefit of avoiding the extra expenditure altogether. For us in India the years that are coming offer immense opportunities of social development. While the Central Government in the absence of some emergency may hope before long to be able to take up the question of reducing taxation, the problem for the Provincial Governments will be not so much whether taxation should be reduced as whether its administration can be improved and its incidence better adjusted, in order that new expenditure may be wisely undertaken as soon as means can be made available.

Let me then sum up the picture which I see before me of the story of taxation in India in the years before us. For the Central Government the first task is to complete the process of extinguishing the provincial contributions and to make such minor modifications in the Meston Settlement as, without any serious inroad on the resources of the Central Government, will add some additional flexibility to those of the Provinces. During this period the Central Government can hope to do little in regard to taxation beyond effecting some minor adjustments here and there and taking some steps not so much to increase as to prevent the falling off of the yield from direct taxation. Thereafter, the Central Government will, I think, direct its policy to reducing the proportion of indirect taxation to the whole, with its eye on the one hand on the necessity for a margin in the event of an emergency, and on the other hand upon the needs of the Provinces which it would try to meet by so adjusting the burden which the payment of central taxes imposes on the central tax-payer as to increase his power in his capacity as provincial tax-payer to contribute to provincial needs. The Provinces meanwhile will have the advantage, to start with, of relief from provincial contributions, and, perhaps even more, of the fact that with the extinction of those contributions they will be less subject to the error of looking to encroachment on Central Government's resources as a means of meeting their provincial needs. They will turn to their own wide powers of taxation for the sinews of their war on disease and ignorance and will be helped in the development of their resources by the concurrent progressive reduction of the level of central taxation. The Reformed Constitution has stimulated the growing interest of the Provincial Governments and Ministers in the improvement of their heritage. The taxation system is one of the foundations on which they must build. With the Taxation Committee's Report as a guide to the study of taxation policy, they will surely build the better.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : I

1 P. M. am sure the House will feel grateful to the Honourable the Finance Member for the exceedingly interesting statement which he has made this morning. The

Honourable Sir Basil Blackett has remarked that the Resolution which he has moved to-day marks an innovation in procedure. Undoubtedly the innovation may appear to many to have the advantage of giving us an opportunity of expressing our views on the many interesting questions which have been dealt with by the Taxation Committee. The Honourable Member himself has glanced at a number of very interesting problems relating to taxation, central and provincial, and it might at first sight appear to be a very valuable opportunity for us to take advantage of and to express our views upon these questions ; but though at first sight it appears to be a tempting opportunity I am inclined to think that it will be very unwise for the Assembly to commit itself in any way to any expression of opinion upon the various recommendations which have been made by the Taxation Committee. When the proposal for the appointment of the Taxation Committee was made, I was not enamoured of it. I agreed to it with some reluctance not because I thought that it was necessary or that any occasion had arisen for such an inquiry, but because I thought that the materials which might be collected by the Taxation Enquiry Committee would be of great use to us whenever an occasion arose for imposing extra taxation. I may say at once that I am not one of those who think that the progress of this country can be achieved without recourse to extra taxation. I regard it as an indispensable condition of progress, especially along the various lines of activity which we are in the habit of speaking as nation-building activities ; but at the same time I think it will be very unwise for us to be led away by the appeal of the Finance Member, to be influenced by his siren voice into expressing any definite opinion upon these various proposals. Before going further I should like to associate myself with the tribute which he has paid to the members of the Taxation Enquiry Committee, for the ability, the industry and the thoroughness which they have brought to bear upon the subject and for the vast amount of material which they have collected in connection with the subject of taxation. I have no doubt that all this material and the opinions which the Taxation Committee have expressed will be of the greatest possible assistance to us whenever we have to decide upon any particular form of taxation which may be proposed by the Government.

Now, Sir, the primary object of this Resolution, as it is put, is to request the Governor General in Council to consider the recommendations of the Taxation Enquiry Committee. I do not think that the Governor General in Council requires any invitation from us to consider this Report. There are many things which he considers without our invitation and there are many things which he declines to consider even upon our invitation. The object as it is put forward in the Resolution does not appeal to me. Then coming to the other aspect of the Resolution, that it is indirectly intended to give us an opportunity for an expression of our views, I think in the first place it will be impracticable. In the next place I think it would be premature and unwise for the Assembly to express any opinion upon the subject. I consider it impracticable for this reason. The Report covers the whole field of taxation in this large country and I sincerely doubt whether it will be possible for us in the course of a two days' discussion or even a two months' discussion to express any really valuable opinions upon the whole field of taxation in a country like India. The discussion would

be largely in the nature of an academic debate. It will be simply beating the air. It would be a much more suitable subject for a college debating society than for an Assembly like this concerned with serious practical affairs. I consider it premature for this reason, that until we know what additional expenditure is meant to be incurred and for what purposes, whether the Government have got funds for the objects upon which they propose to spend and if they have not got how much they wish to raise and by what means—until we have some definite statements and proposals put forward by the Government,—it will be premature for us to have any discussion in an Assembly like this consisting of 140 Members even if diminished by the absence of the Swarajist bloc. I very much doubt whether any discussion of this sort would really produce any valuable results. Sir, I consider it also very unwise and for this reason. In the first place there are so many proposals for taxation. Some of them may appeal to some Members and others may appeal to other Members and there is a great likelihood of mutually destructive criticisms. One set of people may criticise one tax, another set of people may criticise another tax and this vast diversity of opinion may perhaps induce the Government to think that this general dissatisfaction is an indication of the soundness of the proposals just as the dissatisfaction of both the parties with an arbitrator's award is sometimes supposed to constitute evidence of its justice. There are few taxes which can be said to be entirely unobjectionable. There are few taxes which are so objectionable that they can never be proposed even in a time of financial crisis. It is difficult for us to say that any one tax is absolutely unobjectionable or that any one tax is so objectionable that it should never be resorted to. It is after all a question of comparative merit or demerit. It is a question of choice of evils. Why should we fore-stall the evil day and why should we express our opinion as to the relative merits of one measure of taxation or another until we are actually called upon to determine it? Now another reason why I consider it unwise is this. If we express any approval of these various proposals it will be arming the Government with a very extensive power which is only too liable to be abused. It would be giving the Government a *carte blanche* to make any selection they like out of an assortment of taxes and whenever they find it necessary to raise additional funds they may say : Mr. So and So, expressed his approval of this tax and another influential gentleman expressed his approval of another tax and that they are entitled to rely upon the support which has been given in the Assembly. Now one great danger in arming the Executive Government with this extensive power is that they are likely to be tempted into all sorts of extravagant proposals for taxation. I for one should very much hesitate to offer any such temptation to His Excellency the Commander-in-Chief or some other Ministers who may propose to make a raid upon the financial resources of the Central Government. No doubt we know that the Finance Member is always bent upon economy and upon resistance to all these various attempts to raid his resources, but he is only one out of a Cabinet of 6 or 7 and he may not always be able to resist the demands of the spending Departments. I should therefore be very chary of giving any sort of approval, definite or indefinite, to any proposals for taxation in this general way. Let me add one other consideration. Let us not forget the position in which the law has placed us. Let us remember that under the provisions of the Statute, we non-officials have no responsibility for any constructive proposals for

taxation. The responsibility rests entirely in the Executive Government and we are prohibited by law from making any constructive proposals for levying money. Under these circumstances, remembering the limitations placed upon us by Statute, we need have no fear of any just reproach of irresponsibility if we decline to listen to this appeal but leave it to the Executive Government to bring forward any measures of taxation which they after careful consideration may decide to place before this House. Then will be the occasion for us to express our opinion. The attitude of every opposition and, if we do not regard ourselves as an opposition, the attitude of the non-officials under the existing constitution of this Assembly must be one of mere criticism, not an attitude which should lead them to offer any positive constructive suggestions for raising taxes.

Sir, I hope none of us will be led away by the appeal of the Finance Minister and express any opinion upon the various proposals contained in the Taxation Committee's Report. Now let me fortify myself by reference to one or two passages in the minutes appended to the Report. Let me first refer to the memorandum by Dr. Paranjapye. He says :

" It would be an improper use of the work of the Committee to impose any particular new tax or to enhance an existing one, simply because the result of the inquiries shows that it is practicable to do so, without considering the persons by whom, the manner in which and the purposes for which the money is to be spent. In considering this latter point I desire to emphasise the fact that in my opinion Governments generally, and irresponsible and partially responsible Governments in particular, are apt to pay less regard to economy when their coffers are full, and that there should be no addition to the revenues of the country for purposes of expenditure on new objects unless those objects have first been approved by the representatives of the people."

Again, my friend Dr. Hyder and the Maharaja of Burdwan express themselves in this way :

" Both the direction of expenditure and the adequacy of the amount have to be determined by the people's representatives. To remove all manner of misunderstanding, we desire to make it perfectly clear that given certain ends our task has merely been to inquire how the revenue for the attainment of those ends may be raised with the least amount of hardship and the least waste ; to indicate in other words the suitability of the possible sources of revenue rather than to consider either the desirability of those ends or the determination of the amount of revenue necessary for their realisation. These are questions for the people themselves and their representatives to consider and to determine, not for us the members of a Committee which must concern itself with the technical aspects of these questions."

So, I think, Sir, unless the Government bring forward concrete proposals for expenditure and concrete proposals for raising the money required by some particular form of taxation, it would be premature for us to express any approval or disapproval beforehand and commit ourselves in any manner. It may perhaps be said that our whole system of taxation is unscientific, inequitable and unsatisfactory. We all remember that statements to this effect were made in another place on the occasion when the proposal for this taxation inquiry was initiated. But I would ask, is there any country in the world which has got a thoroughly scientific, a thoroughly equitable and thoroughly satisfactory scheme of taxation ? You can always find fault with the system of taxation in any and every country in the world, and it is foolish to imagine that it would be possible for this country or any other country to wipe out its existing system of taxation and substitute an entirely new scheme of

taxation in its place. We cannot possibly write on a clean slate. We must take the existing scheme as it is and build upon it, add to it or alter it. We cannot get away from or completely overhaul the existing scheme of taxation and expect to introduce a completely remodelled scheme of taxation ; nor can we indulge in the hope that any scheme of taxation which we may be able to suggest would be considered thoroughly scientific, equitable and satisfactory. I for one would refuse to take part in the pastime of discussing any such project for remodelling the entire scheme of taxation. We had better leave it to those grave and reverend seigniors who sit in the other place which has been complimented by the Government *ad nauseam* on its superior wisdom. By all means let them indulge in that diversion. We have more serious things to attend to. I would ask you to commit yourselves to no expressions of opinion with regard to any of the recommendations and to wait until the Government in their wisdom decide to bring forward any particular measure of taxation for the purpose of meeting any special expenditure which they may consider to be necessary in the interests of the country.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I join with my friend Sir Sivaswamy Aiyer in congratulating the Honourable the Finance Member and the members of the Taxation Enquiry Committee for performing very satisfactorily the somewhat limited and odious task which was placed upon them of reporting on the equitable method of distribution of taxation in this country.

There was one passage, Sir, in the Honourable the Finance Member's speech, which I would like to draw the attention of this House to, and that was that this is the first Committee of the kind appointed in this country or anywhere else.

The Honourable Sir Basil Blackett : Not anywhere else.

Sir Hari Singh Gour : The first Committee of the kind appointed in this country, then, for the purpose of enunciating general principles of taxation.

The Honourable Sir Basil Blackett : If I may be allowed to interrupt, what I said was " to make a general survey of the existing taxation system ".

Sir Hari Singh Gour : To make a general survey of the existing taxation system and to formulate their recommendations thereon. This House is well aware of the protest made by the Members of this House when this Committee was formed, and of the limited scope of enquiry committed to its charge ; and I, Sir, repeat that protest on behalf of the Members on this side of the House. With the limited scope of the enquiry and the terms of reference to the Committee it is impossible for this side of the House to suggest any means of taxation upon the lines of the Resolution of the Honourable the Finance Member.

Sir, in my student days I sat at the feet of that great economist, alas, now no more, Mr. Alfred Marshal, and in one of his lectures to us he said, " Gentlemen, there is one principle in taxation, and that is no principle ". He said, " Taxation is nothing but a compulsory contribution from the subject for the upkeep of the State, and the best principle of taxation is the amount of money which the State can wring out of the subject ". Sir, that principle has gone deep into my heart, and

the more I study books on economy the more I feel convinced of the truth of the remark made to us as economic students years ago in the Cambridge University. If this principle be right, what principle have we got to enunciate to this House as regards the equitable distribution of taxation? The Honourable the Finance Member has passed in review the various methods of taxation, and I wish to confine myself to one of the three principal items of taxation to which he has adverted as the chief source of revenue of the Central Government. He speaks of Customs as yielding about 62 per cent., Income-tax 23 per cent., and Salt 9.3 per cent. Now, Sir, so far as the income-tax is concerned, the history of it is well known to this House. Somewhere about 35 years ago it was levied as a temporary measure for the purpose of overcoming the falling value of silver, and also to defray the cost of the Burmese War. It was then pointed out that it was a temporary measure and, if I do not mistake, they wanted at that time something like £60,000. For years this tax was a subject of criticism in the late Imperial Legislative Council, and the attention of the Government was drawn to the fact that this tax was unpopular, and, because it was temporary, steps should be taken to abolish it. The then Finance Member quoted a Resolution of the Indian National Congress in support of this taxation and justified it on the ground that it fell equally upon Europeans as well as Indians. Now, Sir, in those days the amount that was received from income-tax was about one crore of rupees, and in the last year, and the year before last, the income received by the Central Government from that source is in the neighbourhood of 23 crores of rupees. During the War the Government of India imposed what is known as the super-tax, and we were hoping that on the conclusion of the War the first thing that the Government of India would do would be to abolish this temporary super-tax. What is the result? The Taxation Committee recommend the perpetuation of the evil of the super-tax, and the Honourable the Finance Member regards it as the mainstay of the Central revenues.

Now, Sir, I hold in my hands a little book called the "Income-tax" written by an American Economic Professor, Mr. Seligman, and he points out in that book that of all direct taxes the income-tax is least justifiable in a country where the capitalist class is of recent origin. In England, as the Honourable the Finance Member will admit, the accumulation of wealth has been going on for nearly 350 years. In India the accumulation of wealth, if it has begun at all, is only about 20 or 25, or 30 years old, and I, therefore, submit that whatever justification there may be for a large capitalist country like England with its established industries for the perpetuation of an income and super-tax, there is no justification for it in this country, and, so far as the super-tax is concerned, there is no justification whatever.

Now, Sir, I ask the Honourable the Finance Member to enlighten this House as to the quantum of tax which is wrung out of the middle classes in this country, in the shape of income and super-tax. Mr. Winston Churchill, speaking the other day in the House of Commons, declared that his first effort would be to reduce the income-tax; and, if I mistake not, it is less in England to-day than it is in this country, if we take the income-tax and super-tax together. Working it out I find that the income and super tax amount to as much as 48 per cent. of a man's income when it is calculated at the maximum rate. In other words,

while the old Pindharas who used to rob the people of Bengal were satisfied with 25 per cent. of their income, the Central Legislature wrings out of the people, year in and year out, as much as 48 per cent.

That is only one aspect of the question. Have the Taxation Committee dealt with it? Yes, they have. In what way? They recommend that the super-tax be levied upon incomes above Rs. 30,000, and they further point out that there should be an increasingly graduated rate of income and super tax, and that there should be no distinction between earned and unearned income. Now, I consider this a preposterous proposition. Even in England and the Colony of Australia there is a distinction made between earned and unearned income, and in England itself income-tax is graduated upon principles which do not obtain in this country. A certain deduction is made for the maintenance of wife and children, but you make no deduction in this country. I should have thought that the Finance Member should have commenced by taxing bachelors twice as much as married men, and I should have expected certain reductions made for each child of a married man. The Taxation Committee, who were supposed to have been a scientific body of men, appear to have all been bachelors because they have taxed all the married men and left the bachelors severely alone. (Laughter.)

Now, what is the principle underlying this extremely unequal method of taxation? Nothing whatever. And when we deal with the respective merits of the taxes Honourable Members will find at pages 442 and 443 their views crystallized as regards the order of precedence.

Now, Sir, I defy any Member of this House to tell me what tax is more necessary than any other tax. Let me give Honourable Members half a dozen taxes and I have not the slightest doubt that if the votes are taken every Member will vote differently to the rest of us. There is the question of the salt tax which is in the nature of a poll-tax. It is so admitted in the Report. There is the petrol tax, and the Taxation Committee recommend no reduction of the petrol tax, while the Honourable the Finance Member told us a few minutes ago that the development of the motor industry is necessary for the development of the facilities of transportation and the general development of the country, agricultural and non-agricultural. If that be so, I should have expected, Sir, that the tax on petrol would be reduced, if not wholly done away with. Then it has been said that the probate duties might be exploited for the purpose of raising revenue. Sir, it is sufficiently dear to live, but will you make it prohibitive to die? And that is the proposal which the Taxation Committee have solemnly placed before this House, or rather before the country, for consideration. There is not one single item in the vast field of taxation which is not open, I submit, to argument and criticism, and I therefore submit that this House would be well advised in closing this book and saying that we are not in a position to give you any advice as to what tax you should levy first and what tax last. If you really wish consideration of the question of taxation the first question you have to consider is how much money do you want and place each concrete proposal before this House, and that concrete proposal will be decided on its own merits if and when it arises. A generalisation of the character which we find in this book has neither the merit of any *a priori* justification nor is it supported by the rule of expediency. Take, for instance, this case. They say that in the order of precedence for the removal of taxation they place a reduction of the customs duties first. Then they

place the removal of the export duty on hides. Now, Sir, the removal of the export duty on hides depends on the condition of the hide trade for the time being. Are you prepared to dogmatise generally that this must find a second place irrespectively and independently of the condition of the trade in hides at that particular moment? Then they go on to say that in the case of non-judicial stamps a revision of the Schedule should be made in relation to documents such as bonds and agreements. I do not see how this should have found a third place in the order of precedence of taxation. Then they go on to say that the standardization of land revenue will ultimately result in a further reduction of the proportion borne by the land revenue to the total taxation. Sir, this entirely depends upon the nature of the land revenue and the crop that is produced and the people who are primarily concerned with it. It is a question whether the permanent settlements in certain provinces were well advised and whether the land revenue exacted from them is adequate for the purpose for which the State is justified in taxing land. That question I submit cannot be gone into apart from the general question of the principles and policy relating to the fixation of land revenue throughout India. And there are other questions. As my friend Sir Sivaswamy Aiyer has pointed out, the field is too vast; the terms placed before this House are too wide, and there is neither any immediate necessity for the consideration of the general question, nor, indeed, is it desirable that this House should prejudge the question and not reserve to itself the power to judge and decide it if and when it arises. The Honourable the Finance Member has tickled some Members of this House by saying that we have had three years' experience of the work of the Assembly. Well, Sir, the accumulated wisdom of the three years of experience has taught us one lesson, and that lesson is not to precipitately decide upon this vast and thorny question of taxation at the fag end of the Session when we are not in a position to enunciate any general principle apart from any concrete proposals which have not been placed before us. On these grounds, Sir, I would ask Honourable Members on this side of the House not to commit themselves to any proposal, either made or adumbrated in the speech of the Honourable the Finance Member.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Before the discussion proceeds further, Sir, may I move that the discussion of the subject be adjourned *sine die*. In view of the remarks which have fallen from my Honourable friend Sir Sivaswamy Aiyer and also in view of the importance of the subject, it is very desirable that we should have a full House. As it is, the representatives of the people, I am sorry to say, are absent or mostly absent, and it is not right that we should offer criticisms on important proposals like these, specially in view of the very important pronouncement which the Honourable the Finance Member has made to-day. He has made a pronouncement which deserves the deepest and most earnest consideration on our part. He has outlined a policy which he is going to pursue which requires our grave consideration. I do not think it is right that in a thin House like this we should go on with this discussion, and I therefore formally move that the debate be adjourned *sine die*.

Mr. President : Amendment moved :

"That consideration of this debate be adjourned *sine die*."

Sir Walter Willson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, if I begin by opposing the amendment of my Honourable friend, Diwan Bahadur Rangachariar, will it affect my right to speak on the main subject ?

Mr. President : No ; the Honourable Member can take part in the general debate later.

Sir Walter Willson : May I then give some reasons why I wish to oppose this adjournment ? You will hear me and call me to order if you think it necessary. Sir, I listened this morning to the excellent speech so thoughtfully and carefully presented to us by the Honourable Sir Basil Blackett, and I feel that in that speech, when we have it in print, we shall have a great deal of matter deserving most earnest and careful study, study equalled by that required of the Taxation Enquiry Committee's Report itself.

I listened also this morning to the remarks which fell from my distinguished friend Sir Sivaswamy Aiyer, and if he were here I should like to say how disappointed I was in the attitude that he adopted, because he has upon so many occasions given us such valuable help in the discussion of subjects before the House. It seems to me that there is this point too, the great desirability of having a party in this House who are prepared, when the Government hold out to us, as they have done on this occasion, an opportunity of giving them some sort of a lead before they have made up their own minds and are committed to a policy, gladly to accept that opportunity.

In view of the sense of the House as I understand it to be, I shall not presume to take up so much time as I had intended in going over certain paragraphs of the Taxation Enquiry Committee's Report, but I do think I should not be doing justice to my constituents if I did not take this opportunity of levelling one or two attacks at the Taxation Enquiry Committee's Report in order that.....

Mr. President : I must ask the Honourable Member to reserve his observations on the general question for a later stage. The debate is now confined to the motion of Diwan Bahadur Rangachariar for adjournment.

Sir Walter Willson : I bow to your ruling and in that case I will only formally move the rejection of my Honourable friend Mr. Rangachariar's motion.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I rise to support Diwan Bahadur Rangachariar's motion for adjournment. After I had heard the notable pronouncement made by the Finance Member the obvious conclusion I came to was that the speech must be printed, circulated widely and discussed privately before we are asked to give a verdict on the pronouncement. Although Sir Basil Blackett has disclaimed from the very beginning any intention of giving any tentative conclusions of the Government of India, he had foreshadowed a system of federal finance which he has so much at heart. Under the circumstances the only obvious course left open to us is to ask for an adjournment, which I hope, Sir, the House will accept and you will grant.

The Honourable Sir Basil Blackett : Sir, I should like to make the position of Government clear in regard to this suggestion. It is not an infrequent charge against the Government that they come to their conclusions first and consult the House afterwards. We have tried

on this occasion another method of progression. It does not seem to progress. We are now asked that the present discussion be adjourned *sine die*, presumably with the idea that, not exactly this discussion but some similar debate will take place at a later stage on the Taxation Enquiry Committee's Report. The position of the Government is that they promised very definitely that they would give a full opportunity of discussion of this subject before formulating any conclusions. It is always difficult to discuss a motion which does not formulate conclusions. There is always a difficulty in this House unless the Government are prepared to express definitely the views which they have formed, at any rate tentatively, in regard to any subject under discussion. The debate otherwise is in danger of becoming what my Honourable friend Sir Sivaswamy Aiyer called a mere debating society discussion. The Government have no desire to force the House to discuss this subject if it does not wish to do so either now or at any other time. I expressed the view in my speech that it was not possible on a Report of this sort to come to a final conclusion accepting the whole of the Report or to draft a Resolution really covering the whole of the Report and saying that you either accept it or reject it or take a certain view in regard to it. I described the Report as a guide to the study of taxation in India and it is a little difficult to make a Resolution recommending something out of a guide to a study. But I understand the position to be that what Members who have spoken on this question of adjournment and others who have spoken to me before on the same subject would like would be that the discussion should terminate now and either at the next Session or in the course of 1927 some opportunity should be given at which a Resolution on the subject of the Taxation Enquiry Committee's Report containing some expression of policy to which the House might be inclined to commit itself should be brought forward. I venture to doubt whether anybody would be successful in framing a satisfactory Resolution of that sort. Nevertheless I am quite prepared on behalf of the Government, if the discussion terminates now or even if it does not, to consider whether in the course of the year 1927 opportunity cannot be given for the discussion of some Resolution of the kind I have suggested if it has considerable support in the House and it is the desire of a considerable number of Members that such a Resolution should be discussed. If as I gather, there is some difference of opinion as to whether the debate should go on to-day, I may say that I shall be happy to hear something more on the subject of taxation in which I am always interested; but so far as that is concerned the Government will not vote against the motion for adjournment if it is taken to a division. They will be prepared to leave that to the House.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I should like to state my views on the question of the adjournment motion. It seems to me, Sir, that although this Committee was appointed against the considered and definite decision of this House, the fact remains that this Committee has been appointed and what is more this Committee has cost, as I see from the Report, something like Rs. 4,47,000 exclusive of the printing charges, and so on. It is perfectly true that Sir Basil Blackett, in order to conciliate the House, which was from the very outset definitely opposed to the appointment of this Committee, promised that no action would be taken upon the recommendations of the Committee without giving an opportunity to this House to express its views first. Having given that

promise he naturally has devised a somewhat novel and unusual procedure. You, Sir, have admitted this Resolution, and that is that this Assembly recommends to the Governor General in Council to take the Report into consideration. I do not know what it means. I suppose it is one method which he thought would enable him to comply with the assurance he had given to the House, and he persuaded you, Sir, to admit it in the form of a Resolution. But I appreciate the intention behind it and that is to fulfil a promise and give some sort of opportunity to this House. I do not know what your ruling will be, but, as I understand it, no definite amendment can, I think, possibly be moved having regard to the form of this Resolution. Therefore, we are reduced to this position, that each individual Member can air his views according to what is a favourite theme of his own ; and we had an example of that when my Honourable friend, Sir Hari Singh Gour, spoke. Now, is that going to be of any use whatever to the Government in arriving at their own decision as conveying the sense of this House ? Each Member would naturally support his own favourite theme with regard to taxation, and, therefore, it seems to me that the debate or discussion would be absolutely barren, and I entirely agree with Sir Sivaswamy Aiyer that it will be nothing but an academic debate like that in which college students indulge. Is that a position to which this House is to be reduced—with the best of intentions on the part of Government to give us an opportunity ? If the opportunity is going to be given to this House, if the sense of this House is going to be ascertained and if this House is going to come to a decision which will be of considerable importance and must necessarily influence the Government, there is only one way of getting the decision of the House, and that is by taking its vote. That cannot be done. Therefore I suggested, and I suggest it again, to the Government, to follow this course, namely, that we need not take up any more time on the present Resolution before the House. I am fully alive to the fact that the Assembly will stand dissolved at the end of this Session. I am fully alive to the fact that this Resolution, therefore, will lapse automatically, unless the Government can give us a definite assurance—and I want that definite assurance to be given—that some day will be given to us in the next Session without prejudice, if I may use that expression, either to the Finance Minister or this side of the House, as to the budget proposals that he may formulate. I do not agree that the House should not endeavour to come to some decision on the question of policy. Now for that purpose I would refer to the terms of reference. The terms of reference were to examine the manner in which the burden of taxation is distributed at present between the different classes of the population, and, secondly, to consider whether the whole scheme of taxation, central, provincial and local is equitable and in accordance with economic principles and if not in what respects it is defective. Now, it was suggested by one Honourable Member—what is the good of discussing this now ? Another Honourable Member said that we should not discuss these abstract propositions but that we must only deal with concrete proposals which the Government actually bring before this House for practical purposes as they arise. I beg to differ with great respect from those views. I submit that we know perfectly well what are the classes of people who are taxed at the present moment. We know what are the taxes which are imposed upon the people and the system of this country ; we know that definitely. We can express our opinion having regard to those facts ; we can express our opinion particularly on this question referred to in the second part,

namely, to consider whether the whole scheme of taxation, central, provincial and local is equitable and in accordance with economic principles and, if not, in what respects it is defective. I think, Sir, it is the duty of this House, having all the materials before them, to come to a conclusion if they can. I do not agree with Sir Basil Blackett when he said that the House will not be able to come to any such decision on a question of policy. If the Taxation Committee has after elaborate consideration of the materials and the evidence placed before them made certain recommendations on those principles, surely this House ought to be able to come to some decision and give a clear and definite indication to the Government as to the policy and principles in the formulation of their future budgets. Therefore, I hope that the Honourable the Finance Member will not only give us an assurance that a day will be given in the next Assembly but that a day will be given for the purpose of enabling the Members of the House, or a particular group or party, to send in a definite Resolution enunciating a definite policy or principle relating to the terms of reference and then discuss them and get the decision of this House having regard to the recommendations of the Committee.

The Honourable Sir Alexander Muddiman : If I know Mr. Jinnah, he would have been ready enough to have tried if he had been keen.

Mr. M. A. Jinnah : I might have failed, as I have before.....

The Honourable Sir Alexander Muddiman : The question before the House is whether this debate should be adjourned. But it is complicated with certain other matters on which I must say a word or two, and that is the question whether Government should accept my Honourable friend's suggestion and promise to give a future date and bring forward a definite Resolution. That was not at all what my Honourable friend the Finance Member offered.

Mr. M. A. Jinnah : I did not say the Government should bring forward Resolutions. I said the Government should set apart a day in order to enable the Members of this House to bring forward definite Resolutions which can be discussed and voted upon.

The Honourable Sir Alexander Muddiman : That, of course, is a very broad proposition to which I could not possibly agree in those terms. What my Honourable friend the Finance Member did offer to the House, as I understood him, was that, if there was a considerable body of Members in the House who wished to bring forward a Resolution which commanded a considerable amount of support, he would use his best endeavours to enable a date to be obtained for that purpose. To that I have no objection, but I must point out to the House that they have been offered to-day a general opportunity for discussion that cannot be offered again. This must be quite definitely stated. There has been an opportunity for a hare hunt, but there have been no hunters. The opportunity cannot be given again. I do not in the least desire to detract from what my Honourable friend the Finance Member has offered in the name of Government, but it must be clearly understood what it is. We are not again throwing the Report open to a general discussion. We have done that, and that is finished. Honourable Members in the House who perhaps do not belong to a group have their opportunities of bringing forward Resolutions according to the ordinary rules, and all we stand committed to is this, that if there is a group in the House which desires to bring forward a definite Resolution dealing with matters arising out of this Report, and there is a general feeling that the House at

large would like to discuss the Resolution, I am quite prepared, speaking on behalf of the Government, to give assistance in procuring a day at some convenient date next year. Further than that I cannot go. On the general question of the adjournment, I understand my Honourable colleague leaves it to the House.

Mr. President : The original Resolution was :

" That this Assembly recommends to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee."

Since which the following amendment has been moved :

" That the further consideration of this Resolution be adjourned *sine die*."

The question I have to put is that that amendment be made.

The motion was adopted.

Tuesday, 24th August 1926.

RESOLUTION RE RETENTION IN ITS PRESENT SITE OF RAMESWARAM STATION ON THE SOUTH INDIAN RAILWAY.

Mr. K. Rama Aiyangar (Madura and Ramnad-cum-Tinnevelley : Non-Muhammadan Rural) : Sir, the Resolution I have the honour to move runs as follows :

" This Assembly recommends to the Governor General in Council that the Railway Board and the South Indian Railway be directed to retain the present Rameswaram station as such even if the new alignment is adopted, and that protective embankments be put up south of the line to ensure the safety of the line."

I beg first to draw the attention of the whole Government to the importance of the Resolution. My particular object is that in this matter the whole Government should sit together, examine the question and do the needful. The Honourable Sir Charles Innes, who is in charge of the Department, I have no doubt has not up to now had full information on the subject. More than two months ago, when I was at Rameswaram, I wrote to the Agent, South Indian Railway, to let me know what steps he was taking in connection with this matter. I got a curt reply that it was not his interest to concern himself about connecting stations with the pilgrims or the temples ; and the other portion of it was that the alignment was a settled fact and it was no use my talking of it. I let the Government and the Honourable Sir Charles Innes know what the attitude of these gentlemen that are working and are in charge of these extensions or modifications is. I naturally expected, Sir, that that letter of mine, which I wrote as one connected with this Assembly, would have been forwarded to the Railway Board for their consideration. I am not informed that they have had knowledge of it and from what conversation I had I do not think they had been apprised of it. I submit that the question is very important and the way in which we are going on is that it is more or less treated as a concern more of the Company than of India or the interests of the Indian tax-payer and the interest of the country as a whole. If I introduce this subject with these preliminary remarks, I do so with a view to draw the attention of the Government as a whole to this matter, that in all such questions greater interest may be taken by the Government than is being done now.

I must next go on to describe the importance of this Rameswaram station. From ancient times it has been one of the very well known

shrines of the South ; long before the Railway was introduced east of Madura, Rameswaram had lakhs and lakhs of pilgrims coming from all parts of India, and after the introduction of the Railway it need not be described. It is one concourse of pilgrims throughout the year, but during the Parvakalams you have got more than one lakh of pilgrims, and in the months of Audi and Thai Parvakalams, corresponding to August and about January, you find the number of pilgrims that go there are to be numbered only by lakhs, not by thousands or tens of thousands. Besides this you have also got what we call Ardodya and Mahodya. These occur once in six and twelve years, and you find that at that time a much larger number flock to the place. As far as I have been able to ascertain, the collections at the Rameswaram station alone come to from forty to fifty thousand rupees per mensem on an average. This does not include the charges earned by Railways for pilgrims that pay for them from other stations to Rameswaram. It is not only that. Those that take tickets to Mantapam generally take return tickets, first and second class, and they generally go from there to Rameswaram. That is not within the category I have described as regards the income. Besides people generally go to Dhanushkodi, alight at Rameswaram, stop there sometimes three days, sometimes more. That income does not count in regard to the collections of the Rameswaram station. And there are other sorts of incomes accruing to Rameswaram which are practically not covered by the description I have given. In all it is about six lakhs for collections at Rameswaram alone, for tickets taken from Rameswaram. You can very well understand, Sir, what the total collections will be in connection with pilgrimages from Kashmir, Nepal, Bhutan, and from all other parts of India.

Sir Denys Bray (Foreign Secretary) : I rise to a point of order. Nepal is not a part of India.

Mr. K. Rama Aiyangar : I have not been able to understand the Honourable Member.

Sir Denys Bray : I rose to a point of order to point out that Nepal is not a part of India, and it is most improper to talk of it as such.

Mr. K. Rama Aiyangar : I think the Honourable Member will answer himself and will be satisfied that he has not been relevant. If you really calculate the earnings of the several Railways in India in respect of pilgrimage to Rameswaram, it will come to about Rs. 20 lakhs per annum, and looking to our total income of about 100 crores and expenditure of about 65 crores, the average that could be spent on Rameswaram is Rs. 12 to 15 lakhs. I leave out the profits we make and refer only to the 65 crores of expenditure. If we only take the total income earned on behalf of Rameswaram, we would be fairly entitled to spend 12 to 15 lakhs of rupees per annum. The real difficulty seems to be that they have proposed to change the alignment from Pamban to Dhanushkodi. The present alignment takes us from Pamban to Rameswaram and above the south-western side the line takes us to Dhanushkodi. Apparently our friends, who have travelled fast in other countries, feel that there is some delay in the course of the journey. But the more important point that has to be considered in this connection is that there are sand dunes by the side of the railway lines between Pamban and Rameswaram and from Rameswaram to a certain extent when we pass to Dhanushkodi, it may be for about three or four miles. So that now about 13 miles of this line on one side

have sand dunes, with the consequence that during tempests and on other occasions sand is often thrown over the line and some expenditure is incurred in clearing the line and keeping it in order every year. I do not know the exact figure, but from what I have been able to gather it comes to about Rs. 25,000 per annum to clear this sand and keep the line clear, and for that and other reasons the Railway Board, probably at the instance of the South Indian Railway Company, propose to deviate the line from Pamban to Dhanushkodi. This alignment would not take the line near Rameswaram, and the nearest point to it is estimated to be 3 to 3½ miles from the station that might be located somewhere near Rameswaram on the new alignment. I do not know whether the new alignment has been sanctioned. Probably it has been. I am one of the members of the Railway Finance Committee and I do not think it came before that Committee. If it was sanctioned and if it was done in my absence, I should like to know how it was sanctioned, and if it was sanctioned with the concurrence of the Railway Finance Committee. But apart from that, this new alignment, as I say, locates the station somewhere about 3½ miles from this important centre of pilgrimage. Another important fact is that the new station cannot be made use of easily. Over these 3½ miles there are big sand dunes and the construction of any roads connected with the existing roads there would cost a considerable amount, the sand dunes being very high, sometimes 30 to 50 feet high, and ordinarily 10 feet high, and if any road is cut, there is no doubt that that road will be many feet deep in sand.

Mr. A. A. L. Parsons : Just like the railway.

Mr. K. Rama Aiyangar : Yes, my friend the Honourable Mr. Parsons probably thinks that is an argument for changing the alignment. I am not satisfied that that is a reason. He will find on examination it is not. The present line has been kept up for these many years, about 20 years, and it has not cost more than Rs. 20,000 to Rs. 25,000. Along the present line there are sand dunes only on one side, and they are very high and naturally the sand is collected on the farther side of the railway line, but strong gusts of wind do carry some sand and this has to be cleared, but with the new line that is being proposed the difficulty of getting heaped-up sand cleared will probably be the same, though there is some idea of saving time and that is why the other route is sought. Apart from that there is the danger, as I have pointed out, of this new alignment being approached by the sea, which seems to be progressively advancing towards the site now proposed to be adopted. About that there is little or no information with the Railway Board just now. The sea is advancing from the south and in fact in a discussion we had recently with the Collector of Ramnad he said he found that within 15 days the sea had advanced and practically demolished two big buildings which cost Rs. 10,000 to Rs. 15,000. It has been advancing like that, and the present alignment will require about 5 miles of this line to be absolutely protected from the advance of the sea. Apart from that, it is not at all sure that the new alignment will not be disturbed by sand as much as the present line is. But the point I was making was that to cut a road from the railway station to Rameswaram between the sand dunes is quite different from having a line on one side or other of the sand dunes, because the chances of the latter filling up are much smaller than when you cut a road between the sand dunes, which, when they are so high, will fill

up the road to the extent of six or seven feet every now and then. Therefore, if the Railway Board decide to have the station there, this kind of disturbances by sand dunes will be very great over the road that might be opened between the railway station and Rameswaram itself.

I have mentioned already the reply that was given to me by the South Indian Railway Agent, without apparently communicating with the Railway Board, that it was not his look-out to see the town connected with the railway station. In this connection I should not fail to draw the attention of the Railway Board and the Honourable Member in charge to a leader in the issue of the *Hindu*, dated the 19th of August, which refers to Lord Irwin and economic development. It refers to the 6,000 miles of railways, which was mentioned by His Excellency in the course of his speech, that will be coming within the next five years for the purpose of improving rural communications. That article in a way emphasises the position that I take, that the whole development of this country relating to the extension of railways goes on the principle of suiting the railways and taking the products of the country to the ports from which foreigners may travel and goods may be exported, with the consequence that the country itself does not much benefit by these communications. I mean that is the effect of that article. While I am not prepared to say, Sir, that the whole of the article can be supported, while I am also sure that in sanctioning new projects, much attention is paid, at least recently by the whole body of the Railway Finance Committee and the Board, to what I have pointed out, while I am of that opinion, I have to submit that the particular view taken of this alignment and the connection to be made with the railway station at Rameswaram is of such an extraordinary kind that I have to refer to that article to support my view. As I have submitted, Sir, if railways were really constructed in that part of the country, it was purely for this important centre and Dhanushkodi. Connecting Dhanushkodi with Colombo is not so much India's affair as Colombo's affair. So that I take it, Sir, if extensions on that side of the country of the railways of India have been made, it is purely with the object of serving that important institution. Many many lakhs of rupees have been spent in bridging the gulf there between Pamban and Mandapam, though part of it might have been with the idea of connecting Colombo also, there is no doubt that the pilgrimage to Rameswaram played a considerable part in that project and the expenditure of lakhs of rupees from funds in India.

These are the various points I want to place before this Assembly for taking this subject into consideration. As I said, the alignment is first of all not a necessity; but if it is felt necessary, the question of the embankment that I have referred to to protect it from the sea has not been taken serious note of, and even if an attempt is made to put up the embankment on that side it will not be successful for any length of time. But, apart from all these questions, the greatest point that has to be borne in mind is that Rameswaram station cannot be abolished and it ought not to be abolished. I beg of the Railway Board and all persons responsible for this to see that the station, I mean the present station or some station very near the town, is retained in some form or other. I know, Sir, that it was suggested that at best a place within a short distance of the present station will have to be taken as the station even if a siding is started there....

Mr. K. Ahmed : I rise to a point of order. Has not the Honourable Member reached his time limit ?

Mr. President : Mr. Rama Aiyangar.

Mr. K. Rama Aiyangar : As I was saying, even if there is a slight disturbance in the location of the station it does not matter, so long as it is connected with the town by good roads. The road there has recently, during His Excellency Lord Goschen's visit, been considerably strengthened and kept in very good condition. If that is not done, the effect of it will be, as I said, practically to put the railway to considerable expenditure to keep the road between the station and the town in good order. If the railway does not take upon itself the responsibility of connecting Rameswaram station with the town, they will be leaving all these pilgrims stranded there. They cannot expect to get across the sand dunes. The sand dunes there are made up of very fine sand. Even at ten o'clock if you try to pass over them you cannot do so without some protection for the feet, which most of these pilgrims have not—at least in the South, whatever may be the case in the North. Therefore; I submit, Sir, the matter is of considerable importance, and I hope it will not go to the length of having a division in this House. If it does not go to the length of a division I have no doubt that, owing to the thinness of the House, a technical success may be gained by Government. But the facts of the case are so important that I do not think the Government will allow it to go to a division, and I expect the Government will take all steps for retaining the station if possible, and if it is absolutely impossible—which I do not think it is—they will have to take the full responsibility for connecting the station with the town and keeping it and maintaining it at the railway cost. But I submit, let it not be taken by the Government from that last statement of mine that I have the least inclination to agree that this line should not be connected by railway to the present station or about the present station. I do not grant it at all, but I do submit and hope it will be taken as a sufficiently serious matter and will be accepted by the Government.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I rise to oppose the motion of my Honourable friend, Mr. Rama Aiyangar, because I find from his speech that he has already annoyed enough both the Railway Finance Committee and the Railway Advisory Committee and having troubled them sufficiently he has again enunciated in his speech that he wanted to trouble this Assembly which is a body composed of very important persons representing the different constituencies. Our business to-day, Sir, is so important that, as my Honourable friend can see for himself, the very next question on the agenda deals with the abandonment of the Andamans as a penal settlement. Then the next Resolution, which is one he can rightly handle, is a Resolution to regulate the performance of religious festivals, and one of the grounds taken in his Resolution was that religious-minded people wish to go on pilgrimage to a station called Rameswaram. Let me tell him there is no chance of this unless legislation is immediately taken in hand—as the Resolution suggests—to regulate the performance of these festivals and ceremonies, by the different communities in India, which is really the matter at stake. Unless this is done the whole structure he has raised, and the attitude of the religious-minded people on his Resolution will be washed away. It is therefore a far more urgent and important thing to handle rightly the

next Resolution, that is, Resolution No. 4, rather than take up half an hour of our time for nothing, as he has done in proposing it. An ordinary Resolution like this covers many constituencies. Each constituency has got a thousand and one such grievances and they should be thrashed out by way of questions and interpellations. I am always ready to help my Honourable friend with supplementary questions if necessary, but to-day he has taken up the time of the Assembly for nothing. Is it not, Sir, an abuse of the privilege of moving Resolution that subjects like this should be ventilated at a moment such as this ?

Sir, my second point is that my Honourable friend has altogether ignored this subject that has been stated in Resolution No. 2 and Resolution No. 4. He has also said that these are subjects which the Railway Department should consider and accept. Sir, these questions cannot be accepted. He himself says this is an important question. He says we want this alignment at this station Rameswaram. He says, further that this is a very important question and that the Railway Board should specially devote its attention to it, and that not only the Railway Board, but even the Railway Advisory Committee and the Railway Finance Committee should consider this question ; this is what my Honourable friend says. But the amount of money to be spent and the amount of income to be derived, all these questions have been considered, and the question of starting a new line has also been considered. Therefore, what does the Honourable Member want ? It is the representatives of the people in this Assembly who appoint these Committees ; it is these representatives who appoint the advisory bodies, and when these bodies have specially considered the question which my friend has brought forward, I do not see with what object my Honourable friend Mr. Rama Aiyangar has again brought forward this Resolution for nothing. Sir, I oppose this Resolution, and I would ask my friend to withdraw it.

The Honourable Sir Charles Innes (Member for Commerce and Railways) : Sir, I must confess that it is a relief to me to meet my Honourable friend Mr. Rama Aiyangar on new ground. Hitherto, when we have crossed swords in debates, it has almost always been on some intricate question of railway finance, and I must confess that my Honourable friend's mathematics have always left me gasping. But, Sir, even on this subject, I am afraid that the prevailing bent in the Honourable Member's mind is too strong for him, and I must utter a word of caution. I must ask the House to beware of the Honourable Member's calculations about the profit we make out of the Rameswaram station. On the contrary, for many years past we have been gravely perturbed in mind because of the fact that the Dhanushkodi connection has hardly been a paying proposition. Nevertheless, Sir, the Honourable Member may rest assured that I do not underrate the importance of this question. It may be that the question does not interest my Honourable friend Mr. Kabeerud Din Ahmed very much, and it may be that the question is one which requires local knowledge, and therefore it is rather difficult to discuss it in a House like this. But we do recognise in the Railway Board that this question is of very great interest to a large class of the Hindu population in South India, and I can assure the Honourable Member in this House that the Railway Board would not desire to do anything to make the pilgrimage to Rameswaram more difficult. But I should just like to explain very briefly what this problem is. It is concerned with the line from Pamban to Dhanushkodi on what is known as Pamban Island. In the south-west

monsoon, there are very high winds and there is no rain, and these high wilds carry the sand in a north-easterly direction. Ever since we made that line we have had the greatest difficulty with these sand dunes. It is a very difficult, technical and engineering problem, and the House will realise how difficult it is when I give them a description of one of these sand dunes whose local name, I am told, is Big Willy. This particular sand dune is no less than 600 yards long, 120 feet high and 100 yards broad, and it is advancing at the rate of 30 yards a year. We have been attacked by the sand mainly on two sections of the line, each about a thousand feet long, and that section where this sand dune is in operation has already had to be diverted three times. It cannot be diverted any more. We have discussed every possible means of dealing with this engineering problem. Sir Clement Hindley, himself a distinguished railway engineer, inspected this sand dune on the site and discussed the problem with the South Indian Railway engineers. Not content with that, our own Chief Engineer went down to the Madras Presidency and discussed the problem with the engineers of the South Indian Railway. We discussed alternative methods. We discussed the question whether we could not tunnel through the sand dunes. We discussed the question whether we could not stop the drift of the sand dunes by oil spraying ; but eventually we always came back to the conclusion that, if we wanted to save the line at all, we must divert it altogether. Mind you, sand on a railway line is a very dangerous thing ; unless it were cleared away, the train would be derailed. Hitherto we have had to deal with the problem by employing men to clear the sand from the railway lines. The expenditure has gone up year after year. Last year we had to spend about Rs. 20,000 or Rs. 25,000 on this work, and we do not know how much more we might have to spend on it. Also there is the danger that, whatever we may do, the sand dunes may still advance till they are right on top of the line. For that reason we came to the conclusion that the only possible course for us to take was to divert the line south of the sand dunes. We have made the diversion now. It was sanctioned, I may explain to my friend Mr. Rama Aiyangar, before the Standing Finance Committee came into existence ; it was sanctioned in 1924, and the diversion has actually been completed. The effect of it is, I regret to say, that we leave the Rameswaram station high and dry. That station is about a mile from the temple. The new station which we shall have to build will be about $3\frac{1}{2}$ miles from the temple, and that is what my friend Mr. Rama Aiyangar complains of, that is to say, the pilgrimage instead of being landed one mile from the temple will be landed $3\frac{1}{2}$ miles from the temple. Now, Sir, I recognise that this is an inconvenience to the pilgrims. And, Sir, when I reflect how much we have done in recent years for the comfort of our railway passengers, 1st, 2nd and 3rd class, I can very well realise that they object to being turned out of their comfortable railway trains at an earlier stage ; but I hope the House will take it from me that we are driven to this course not by any original sin on the part of the Railway Board or of the South Indian Railway, but merely by forces beyond our control. I am afraid there is no help for us but to divert the line. Mr. Rama Aiyangar seems to think that the new diversion will equally be liable to the advance of sand dunes. The whole object of diversion is to take the line south of the sand dunes so that that danger should not exist, and he may rest assured that if there is any danger of erosion, steps will be taken to counteract that danger. I have already told Mr. Rama Aiyangar that we will do what we can to alleviate the inconvenience to the pilgrims. We have

already inquired into the matter whether we could not run a siding from the new station to the old. But we are informed that we are up against exactly the same difficulty, namely, that with the sand dunes it is impossible to do it.

Mr. Rama Aiyangar has suggested that we should make a road. There is a road. It merely requires a connection of about a mile between the existing road and the new station. I have no doubt that the District Board will make that connection. Mr. Rama Aiyangar has asked me to give a pledge that the Railway will do it, but as I have already said, it is quite impossible for me to give any pledge of that kind. In the first place, there are constitutional difficulties in the way. The Devolution Rules prescribe that central revenues can contribute to roads only when these roads are of military importance, and I do not think that even Mr. Rama Aiyangar would say that the Rameswaram Temple road is of military importance. Then again, we should have to consider very carefully in the Railway Board before we can spend railway funds, not on making railways but on making roads. Our present policy is to make our roads just to the confines of our own station limits and trust to the Local Boards to connect up and make the necessary feeder roads, and it would be a dangerous thing, I think, if we were to agree to a departure from a principle of that kind. Obviously a road of that kind is essentially a job for the local body concerned. But, as I told Mr. Rama Aiyangar yesterday, we in the Railway Board have taken this action with the greatest regret. We know that about four lakhs of pilgrims go to Rameswaram every year, and whatever complaints there may be against the Railway Board, I do not think any one has yet accused us of tearing up lines, except for good reason. In this instance we have got very great reason to do so. We are quite prepared to go into the matter, and, if there is anything that we can do to alleviate the inconvenience caused to pilgrims, Mr. Rama Aiyangar may rest assured that we will be only too glad to do so. That is all that I can say.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I have listened with considerable attention to the reply given by the Honourable Member in charge on this proposition. It may be that the Railway Board are very anxious to have a new alignment which is less liable to the risk to which the present line has been exposed for the last 20 years ; for I understand from my Honourable friend on my right that the present line has been in existence for over 20 years. If Mr. Rama Aiyangar has given to this House figures which are exaggerated as far as the revenue from this line is concerned, I suggest to the Honourable Member in charge that he has not given us complete figures to show how much the Railway concerned had to spend on repairs on the existing alignment during the last 20 years. If the alignment which at present exists has carried on for 20 years and if there are 400,000 pilgrims who go to Rameswaram, not for the sake of a change of air or the benefit of their health, but for the sake of what is now recognised even by the Railway Board as one of the necessities of devout Hindus, I feel that every other consideration is comparatively a minor one and should be set aside and precautions should be taken that those who thus resort to Rameswaram are not put to any more inconvenience than they are at present. I, Sir, would be the last to minimise any dangers which may develop in the future to the safety of the line, but I suggest to the Honourable Member in charge that the remedy which he suggested, namely, of a siding from the new railway station that they propose to start to the old station or to the temple,

whichever may be more convenient, should be very seriously taken into consideration. I very much sympathise, Sir, with the Mover of the Resolution when he says that he is not satisfied with just the vague assurance that the Railway Board would look into his complaint. The assurance which this House should, I think, take from Government is that they will see either that the old alignment is kept up or that, if they decide upon having a new station, they will have a siding from the new station to the old station or to the temple, whichever may be more convenient on the whole for pilgrims, even though it may cost a little extra. It is said, Sir, that the Railway Department and the whole railway administration has been working on commercial lines, but in other parts of the world railways working on commercial lines and even company railways have, if anything, provided more facilities, because the greater the facilities they provide the greater the number of passengers that are attracted. It is a coincidence, and I realize my own handicap that being a Hindu I may be charged—these charges are easy to make and we have had one such charge made by a Member here at an early stage of the debate—with the fact that because I am a Hindu I sympathise with this proposition. But I can assure my Honourable friend over there that if it was a question of a Muhammadan place of pilgrimage I would equally urge what I am urging on this occasion. I ask the Honourable Member in charge of the Department not to minimise the importance of the Resolution that my Honourable friend has thought fit to move. I urge on him the necessity of giving an unequivocal undertaking that the task of those who resort to Rameswaram out of religious faith will not be made a whit more difficult than it has been till now. As far as I was able to understand, the amount lately spent in upkeep was Rs. 20,000 per annum and we should like to know how much they did spend during the last 20 years. I am quite aware that we may be told that much more many have to be spent hereafter; but the present facilities which have been existing so long ought to be continued as long as possible. I suggest to this House that, in view of the peculiar circumstances under which the Resolution is being discussed, the House will not vote down this Resolution.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : As a Mussalman, Sir, I rise to support the proposition of my friend Mr. Rama Aiyangar. It cannot be denied that Rameswaram is one of the most important shrines in South India for the Hindus and I think it behoves the Railway Board and the railway administration to give every facility possible to the devotees that visit that shrine. I was not very much impressed by the speech of the Honourable Member in charge. He says that the yearly cost of removing the sand hitherto has only been Rs. 20,000. If that is a fact, that is a very paltry sum considering the amount of money that must be realized every year from the devotees who visit the shrine, of whom I understand there are four lakhs every year. If each man pays on an average one rupee, that would bring in Rs. 4 lakhs and, if Rs. 20,000 is spent in maintenance for the convenience of these devotees, I do not think that amount is at all badly spent. I think that even if the whole 4 lakhs were spent in removing the sand the convenience it would thus offer to Hindus visiting the shrine ought to weigh much more with the railway administration than the really paltry sum spent in removing the sand. If the sand cannot really be removed, then the alternative proposal of having a siding is certainly one which ought to be favourably considered by the Railway Board and railway administration.

Sir Darcy Lindsay (Bengal : European) : Sir, I desire to support my Honourable friend, Mr. Rama Aiyangar, so far as concerns the object he has in view. As to whether the Railway Board can carry out the terms of the Resolution or not, I am not prepared to say. But my point is that we should support the Honourable Member in his desire that every facility should be given to this pilgrim traffic. My Honourable friend, Sir Purshotamdas Thakurdas, raised a point I wished to put myself, that is as to whether it would be possible to run a branch line or possibly a tramway from the new station to the nearest point to the temple. Even if that is not practicable, I would suggest to the Honourable Member in charge that he could apply for permission to use the railway funds or making a road. He has said that he can only make a road for military purposes, but it might be possible to obtain permission for this special object. My Honourable friend, Sir Purshotamdas Thakurdas, referred to the Railways being run on commercial lines. Well, surely it is a commercial proposition to afford every facility to your traffic ; and if the pilgrims have to pass through sand to get to the main road there may be a considerable falling off in the traffic, and that will affect the receipts from the railway. It is therefore all to their interest that they should expend money on making a roadway. With these words, Sir, I support my Honourable friend, Mr. Rama Aiyangar.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I am afraid the object of my Honourable friend, Mr. K. Ahmed, in intervening in this debate has defeated itself. Because what he aimed at was to cut short the discussion, but I am afraid his opposition has brought a much larger volume of support to this Resolution than it would otherwise have had. But, Sir, I must say a word in defence of my Honourable friend. I did not hear him giving expression to any question of communal preference or communal objection, and I do not know why so many of my Honourable friends have assumed that that was the underlying note of his intervention. Sir, as a matter of fact he very charitably wanted to assist my Honourable friend by asking supplementary questions, if he had brought up this subject not by way of a Resolution but in the shape of a question. I therefore think my Honourable friend was a little mis-judged by the previous speakers.

Sir, coming now to the merits of the Resolution, I have only one word to say and that is that, although this is far away from my province, this particular station has got a very great importance from the point of view of the very many Bengali pilgrims who repair to this place for pilgrimage every year, and in that view of the matter I would support my Honourable friend, Mr. Rama Aiyangar.

***Pandit Shamlal Nehru** (Meerut Division : Non-Muhammadan Rural) : Sir, I would like to support my Honourable friend, Mr. Rama Aiyangar, but before I do so, I should like to know the reasons why he wants to make the Hindu public less religious. The Hindu religion, as I have understood it from my childhood, enjoins on every pilgrim the duty of walking long distances in order to get more benefit. (Laughter.) If Mr. Rama Aiyangar will satisfy me on that point, I should be very glad to support him.

The Honourable Sir Charles Innes : Sir, I must confess that I am rather surprised at the.....

Mr. President : Does the Honourable Member (Mr. Rama Aiyangar) wish to reply ?

*Speech not corrected by the Honourable Member.

Mr. K. Rama Aiyangar : Sir, I thank Honourable Members for having given their support to my Resolution. Every point that has been raised by my Honourable friend, Sir Charles Innes, has been met, and the Honourable Sir Darcy Lindsay has placed before him a method of overcoming any difficulty that he might feel. But I will only say that it is a question not of going beyond railway work at all. In fact if people are taken from the whole of India to Rameswaram,—and more than four lakhs go there—it will be the duty of the Railways to see that they are landed at Rameswaram conveniently—not that they are taken off the sand dunes on the other side of Rameswaram and left to cross 120 yards breadth of sand to a height of 120 feet. I suppose it is only fair for any company which engages in business to interest itself in that point, otherwise it becomes no business company at all. Of course I do not want to refer to the remarks which my friend the Honourable Mr. K. Ahmed has been kind enough to make ; I dare say he feels himself that he has said things which he need not have said. As for what my friend the Honourable Mr. Shamlal Nehru has said, I have only to remark that if people are left to walk to the Rameswaram sands, they have got the general roadways to pass through ; but would you strand them at a spot separated from Rameswaram by a large mound of sand very fine in texture ? Practically before crossing half way, they would exhaust themselves, and I do not think my Honourable friend would like the result. But I hope that, after he has heard all these expressions of opinion in the House, the Honourable Sir Charles Innes will give us the assurance we desire.

The Honourable Sir Charles Innes : Sir, as I began to say before,

12 NOON. I am greatly surprised at the amount of interest which this Resolution has aroused. I should have been more impressed by the speech of my Honourable friend Sir Purshotamdas Thakurdas and I should have been more interested in the lecture which Sir Darcy Lindsay gave to the Railway Board on railway economics if they had ever been to Rameswaram and if they had the slightest knowledge of the engineering and technical difficulties with which we are faced in this matter. I think the fact that neither of them have ever been there, neither of them know the tract or know the difficulties which we have to contend with, detracts very greatly from the value of their speeches. I must also confess that I am surprised at the stress which has been laid upon the hardships of the pilgrims. As I explained, from the railway point of view we dislike this diversion very much. We dislike it because there is objection in principle to diverting a railway from an existing station. An existing station naturally creates vested interests, and it is a serious matter to divert your line in any way at all. But when Members get up here and tell me that we are putting pilgrims who go to Rameswaram to serious disabilities, I must say that I am surprised. I always understood myself that the more hardships you overcame in pilgrimage the more merit you acquired. I have always understood, Sir, that Muhammadans whenever they go on pilgrimage to the Haj have to travel many miles of sand dunes, on camels, exposed to dangers of bandits and robbers and the like and they welcome those hardships, because of the merit they acquire.

Maulvi Muhammad Yakub : I understand that it is now proposed to have a motor service between Mecca and Medina and between Jeddah and Mecca.

The Honourable Sir Charles Innes : I have always understood that Hindus make a long trip through tiger-infested country from Hardwar

to Badrinath and I am quite sure that Mr. Rama Aiyangar himself would undertake that journey with the greatest pleasure. But now, Sir, I am told that because pilgrims have got to walk over 3½ miles of sand, we, the Railway Board, are putting them to unimaginable hardship. Surely a proposition of that kind has only got to be put in this House to show that there is not much force in this complaint.

I have said that we will do what we can to remove the inconvenience. I have already explained—and I should have thought that Sir Purshotamdas might have listened to what I said—that we have consulted the South Indian Railway as to whether it would be possible to make a siding to the existing station and we have been told that it will be quite impossible to do so for the very reason that Mr. Rama Aiyangar gave when he explained to us the difficulty of road-making there, namely, that you pass these very sand dunes. I have already explained the constitutional and other difficulties in the way of the Railway making roads. I can give neither of the assurances asked for nor any definite promise. I have said that the Railway Board will do what they can, will consult the South Indian Railway in order to remedy this very small inconvenience; but that is as far as I can go.

Sir Purshotamdas Thakurdas : Is the Honourable Member in charge prepared to say that, before Government take a decision in this matter, they would consult the Railway Finance Committee?

The Honourable Sir Charles Innes : No, Sir. Because the diversion has already been practically finished. It was sanctioned more than two years ago.

Sir Purshotamdas Thakurdas : In connection with the siding or any other facility that can be provided in order to avoid the additional hardship which would be put on pilgrims, would the Honourable Member give an undertaking that the Railway Finance Committee would be consulted?

The Honourable Sir Charles Innes : I have already said that we have already decided that the siding is not possible. The siding is an engineering question which does not concern the Standing Finance Committee.

Mr. President : The question is:

“That the following Resolution be adopted:

‘This Assembly recommends to the Governor General in Council that the Railway Board and the South Indian Railway be directed to retain the present Rameswaram station as such even if the new alignment is adopted, and that protective embankment's be put up south of the line to ensure the safety of the line.’”

The motion was negatived by 33 votes against 32.

Friday, 20th August 1926.

THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose.

The object of the Bill I now seek leave to introduce is clearly stated in the Statement of Objects and Reasons, but I should like to add one or two words to explain the position of Government. The Government of

India in the course of a general examination of the possibilities of ameliorating communal tension took up the question of the sufficiency of the existing law to deal with one danger, namely, the circulation of pamphlets or newspaper articles tending to promote mutual feelings of hostility between the communities. It is undoubted that such writings are often a direct cause of outbursts of violence. As the law stands at present, it is possible under section 108 of the Criminal Procedure Code to proceed against those who disseminate by speech or writing communal incitements of this nature. This enables speakers to be dealt with and also those persons who are engaged in the publication and distribution of leaflets. Under section 153A of the Indian Penal Code, it is possible to take more severe action in the way of prosecution of important persons but while these sections of the Criminal Procedure Code and the Indian Penal Code enable proceedings to be taken against individuals, there are no effective powers to search for and confiscate copies of newspapers or leaflets which contain matter offending against section 153A of the Indian Penal Code. Now, that is a very serious defect in the law indeed. The absence of these powers is a very serious handicap for the Government in preventing incitements to communal feeling, and the Bill I ask leave to introduce so amends section 99A of the Criminal Procedure Code as to give powers to search and confiscate all matter punishable under section 153A as well as, as at present provided by that section, matter punishable under section 124A of the Indian Penal Code. I am sure I need not say more at this juncture. When this House has so recently seen the long list of communal outbursts which I laid on the table in answer to a question by my Honourable friend opposite, I am sure they will give me leave to introduce this Bill.

Mr. President : The question is :

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose."

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

Wednesday, 25th August 1926.

THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT)
BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration.

Sir, the certain purpose with which this Bill is concerned is the conferment of certain extra powers to deal with inflammatory publications likely to cause communal trouble. The form which the Bill takes is an amendment of section 99A of the Criminal Procedure Code, and that section with your permission, Sir, I will read to the House. It runs as follows :—

"Where—

(a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or

(b) any document,

wherever printed, appears to the Local Government to contain any seditious matter, that is to say, any matter the publication of which is punishable under section 124A of

the Indian Penal Code, the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police officer may seize the same, wherever found in British India, and any Magistrate may by warrant authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be."

Now this section 99A of the Criminal Procedure Code was inserted by section 5 of Schedule III of the Press Law Amendment Act (XIV of 1922). Put briefly and stripped of legal language, it gives power to declare certain publications of a seditious nature forfeited, and it also gives power to issue search warrants for the same. Now I cannot for the moment find out why, when this section was added to the law the question of matter punishable under section 153A was not included, but it was not included. Now section 153A is, as the House knows, a section which is devised with the intention of preventing enmity being promoted between classes. I do not know whether it is necessary in a House like this, where almost every one is familiar with the Indian Penal Code, to read the section. Section 153A is the section which can be used where people endeavour to stir up ill-feeling between communities. It is a section which, I am sorry to say, it has been found necessary in the last few months to have a recourse to very frequently. It is a section which, however useful, can only be used where a substantial offence can be established. It is not possible to use it for preventive purposes ; it is a punitive section, and it is not sufficient to meet all our needs. It does not enable us to catch hold of matter punishable under the section ; it only enables us to punish for a substantive offence.

Now I do not think the House, specially after the speeches yesterday, will need any words of mine to bring home to them the state of communal feeling which is now existing in this country. Sir, I have been away for four months and I come back to what is in some respects a different India. Communal feeling has for several years been undoubtedly rising, but the development that has taken place in these short months has really surprised me. I laid on the table a long statement in reply to a question put by one of my Honourable friends opposite specifying those cases which had been reported to the Government of India. Sir, they were very many. It is quite possible there were more which were *not reported* ; but what is quite certain from the papers in my possession is that had not the officers of Government throughout Northern India exercised the utmost precaution there would have been not ten-fold but a hundred-fold more. From Calcutta to Peshawar every civil officer has been straining every nerve to do his best for months to keep the King's peace and prevent any outbreak. I think our thanks—the thanks of this House—are due to all those officers, civil and military, British and Indian, who during this long and very trying hot weather have successfully endeavoured to maintain the peace in so many parts of India where trouble has not occurred. It is not only of places where trouble has occurred that we should think but also of places where trouble might and could have occurred but for judicious action and the utmost care and caution. On this picture of the situation I think we all agree and it will hardly be challenged. Now the measure that I am bringing forward to-day ought, therefore, if it is a reasonable measure, to command the sympathy and support of

all Members of this House, and I am most anxious that it should do so. I am most anxious that the House should show that it is, as a body, on the side of law and order in endeavouring to prevent these terrible affairs. It may be said that a measure of this kind will not strike at the root of the trouble. Of course it will not. That is impossible. No law can deal with trouble as deep-seated as this. But if it in any way strengthens the hands of Government and the hands of those good thinking citizens—who I believe are the large majority of both communities—in dealing with these difficult matters, I hope I shall command the whole-hearted support of the House.

Then what is the actual measure I am bringing forward? It is a comparatively small thing. It merely enables the same power to declare publications forfeit when they are found on search where they are of a nature contemplated by section 153A as already exists in the case of seditious publications. I do not think—and I will not conceal it from the House—that this measure will be very effective in dealing with newspapers. I do not think it will, for this reason that the harm done by a newspaper is immediate on its issue. It has already gone to all its ordinary subscribers before action can be taken. Where I consider the proposal I am now bringing forward will be more useful is in the case of pamphlets inflammatory of the feelings of one or the other of the great communities. This is no idle fear. They have been issued in the past and they may be issued to-morrow. They have been found in the past, they might be found to-morrow if searches are made. The Bill is one of the results of a consultation with Local Governments which was undertaken by the Government of India quite recently. The Government of India have not been blind nor have they been idle in considering what can be done to deal with these matters, and though this Bill is a comparatively small product of that consideration yet we attach importance to it. I do not know whether at this stage I need trouble the House at great length with them but I have here an extract containing a list of press prosecutions recently undertaken by the Government of Bengal. They are numerous. They were successful, but their results were largely vitiated by the fact that there was no power to check the output of inflammatory matter. My object in this Bill is not merely to punish. It is to lay hold of this firebrand and so prevent the fire catching into the hay stack. In my judgment pamphlets and inflammatory writings are terribly dangerous—aye, in some of the northern parts of India they are more dangerous than the accumulation of explosives. It is no use punishing the law breaker only. It is necessary, where possible, to prevent the consequences of his acts affecting the outside public. The need for the measure is immediate and urgent. If you think the measure is sound and justifiable, I cannot concede that you should delay an hour in enacting it. It cannot be said that the situation is one which brooks delay. I see various suggestions for dilatory motions. I ask the House not to consider them. I ask the House, if they do not agree with me, to come and deal with the measure here and now. There is no time for delay. The Bill is one which, if it saves one serious riot in any part of India, I am perfectly sure every Member of this House will be most willing to support. I do not think at this stage I need say much more on the necessity, the urgency of this measure. I have endeavoured to show that it is necessary, that it is urgent, and it is particularly desirable that this House should collaborate with Government in showing that

they are willing in a matter of this kind to give the fullest support to those who are charged with the difficult duty of preserving order in these troublesome times.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I do not see the necessity of this Bill at all. The Executive has got too much power. It has got various Acts, Ordinances and Regulations in its hands to do anything it likes. We are seeing editors of papers and writers being prosecuted every day. The public does not see any necessity for further strengthening the power of the Executive. This Bill suggests that there is no provision which enables similar action to be taken against publications calculated to promote feelings of enmity between different classes of His Majesty's subjects. Sir, my interpretation of the situation is that it is the Anglo-Indian Press that fosters most communal bitterness and communal hatred in India. Sir, only the other day, when the Bengal Government saw the wisdom to withdraw their prosecution against my reverend friend Pandit Madan Mohan Malaviya, a Lahore paper, *the Civil and Military Gazette*, mentioned that the Bengal Government by withdrawing the prosecution have dished the Muhammadans and have yielded to the demands of the Hindus. That is a white lie. It is in this way that Anglo-Indian papers are helping to foster communal bitterness. The other day I alluded on the floor of this House to the fact that the Government as the third party have not done their proper share to end these communal disturbances.

The Honourable Sir Alexander Muddiman : The Honourable Member is not helping Government to do their share by opposing this Bill.

Mr. B. Das : To-day I go further and say that there is a fourth party and it is the Anglo-Indian Press. To-day the Anglo-Indian Press is trying to separate community from community and to foster communal bitterness. (Here Sir Denys Bray interjected). But, Sir, will you as Member of the Executive assure me that you will prosecute the Anglo-Indian Press with impartiality ? Can you give me a single instance when you have prosecuted any Anglo-Indian paper—the *Times of India*, the *Statesman* or the *Pioneer* or any other paper of that sort ? The Indian papers are always accused of *lese majeste* ; but when it comes to an Anglo-Indian paper saying that the Bengal Government have abdicated their function and have been insulted by the Government of India, neither the Government of India nor any of the Provincial Governments take any steps to prosecute the editors of such papers ; and it is the editors of these papers and reporters in the Anglo-Indian Press that foster more communal bitterness. Before I am a party to give my consent to this Bill or to the consideration of this Bill, I want assurances from the Government that they will show impartiality in prosecuting Anglo-Indian papers as they do Indian writers and publicists.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I have listened with great patience to the speeches that have been delivered on this Bill. The Honourable the Home Member made an impassioned appeal to this side of the House to support the cause of law and order. Well, Sir, I would ask the Honourable the Home Member to support us and then by supporting us he would be supporting the cause of law and order. (*Khan Bahadur W. M. Hussainally* : "What do you mean by 'us' ?") Now, what is the history of this measure ? Section 153-A of the Indian Penal Code was added by an amending Act of 1898 ; and in 1910 the odious Press laws were enacted. When the

Reforms were inaugurated the Government of India then thought that the Press laws must be repealed and by the Act of 1922 the Press laws were repealed, and these sections, sections 99 A, B, and so on, were added to the Code of Criminal Procedure. Honourable Members of this House must remember it. Only as far back as four years ago these sections were deliberately added to the Code of Criminal Procedure after repeal of the Press laws of 1910. At that time there was no thought of re-enacting the operative provisions of the Press Act of 1910 which this Bill now proposes to do. If Honourable Members will turn to the provisions of the Press Act of 1910, Act I of 1910, they will find that the present Bill seeks to re-introduce some of the obnoxious provisions of the Press Act repealed in 1922. Now, what is the justification for it? The Honourable the Home Member appeals to a transitory and passing phase of communal tension in this country. I hope, Sir, I am voicing the sentiments of the non-official Members of this House when I say that the communal tension in this country is only a transitory and passing phase (*An Honourable Member* : "I hope so."), and does that justify the permanent strengthening of the law which would be a menace to the liberty of the Press and of the public? That, I submit, is a short question which this House has to answer. For, what are the provisions of this Bill? It gives the police a right to confiscate all kinds of printed matter, whether it is a newspaper, a leaflet, pamphlet or a book, and the only remedy open to the person against whom the order of forfeiture had been made is the exceptional remedy provided in the clauses 99-B onwards, namely, an appeal to the High Court. The Honourable the Home Member has said in one part of his speech that the daily or weekly Press—I think he meant the daily Press—would not be affected by it. Well, Sir, reading the language of the Bill, I do not see any clause safeguarding the rights of the daily Press. If it was the intention of the Legislature, if it was the intention of the Honourable the Home Member, to limit the operation of this Bill to leaflets and pamphlets and to exempt the daily Press from its operation, then I submit, we might have looked upon this Bill with a more favourable eye, but the sweeping provisions would not prevent a raid upon a daily newspaper, or for the matter of that, upon the office of my Honourable friend the Managing Director of the Associated Press, or the conductor of a weekly or monthly newspaper, or the printer and publisher of a pamphlet or a book. I, therefore, submit that it is a menace to the liberty of the people, it is a menace to the liberty of the Press; and in the guise of a short Bill the Government are now trying to re-enact the Press laws of 1910, and they are also trying to take, if I may be permitted to say so, an undue advantage of the present passing phase of communal tension, happily subsiding, if not dying, to take large powers for house searches in respect of objectional matters.

Now, Sir, apart, therefore, from the objection which I have to the Bill, I see further objections, and I shall state to the House why this Bill is not only not necessary but that it would, if enacted into law, be a standing menace to the liberty of the people. Section 153-A of the Indian Penal Code was hesitatingly enacted in 1898. Its language is wide, and it is not quite possible to say in all cases where section 153-A of the Indian Penal Code ends. Let me give Honourable Members a passage, the effect of which they will realise for themselves. Macaulay's portraiture of the character of the Bengali or Shakespeare's description of the Jews would conceivably fall within the purview of section 153-A and so would

that famous opera known as the Mikado. It is only by the use of a wise and judicious discretion that the operation of section 153-A of the Indian Penal Code has been kept within limits, and, so far as I am aware, there have been only two or three cases under section 153-A of the Indian Penal Code. It is a most difficult question to interpret and almost an impossible section to understand. Now, Sir, that being the position of the substantive law, you give the police *carte blanche* to judge for themselves whether a particular newspaper, leaflet or pamphlet offends against the provisions of section 153-A.

The Honourable Sir Alexander Muddiman : I would ask the Honourable Member not to mis-state the law at any rate.

Sir Hari Singh Gour : Yes, Sir. We have had a very edifying spectacle of a Local Government within the last few weeks. We know what the Local Governments sometimes do, and we will not think whether a Local Government acts upon its own initiative, or as is done generally, upon the initiative of the subordinate executive. Well, Sir, whether it is a Local Government or the police, they decide that a particular thing tends to promote communal tension, and the newspaper is confiscated. Then you have the remedy which, as I have pointed out, is provided by the subsequent sections of the Criminal Procedure Code. Well, Sir, these are the provisions of the Bill upon which I, at any rate, am not able to make up my mind, and I cannot give my support to the Honourable the Home Member particularly in view of the fact that on the day this Bill was introduced, Honourable Members will remember, I questioned the Honourable the Home Member on one or two points. I first of all told him that they were giving this large power, they were substantially re-enacting the provisions of the Press Act of 1910. Now, have you consulted public opinion? The answer was that public opinion was not consulted. That is the first thing that Honourable Members will remember.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Who are the public, Sir?

Sir Hari Singh Gour : My Honourable friend Mr. Kabeerud Din Ahmed is a member of the public. Now, Sir, the Provincial Governments are going to be armed with that power. Well, I should like to have had before me the opinions of the Local Governments. The Honourable the Home Member replied that the Local Governments had not been consulted specially upon this Bill, but in a general correspondence upon the present situation a reference was made to the Local Governments, and their replies have been received, and that he would refer to those replies in the course of his speech on the motion to take the Bill into consideration. I then asked the Honourable the Home Member whether the relevant correspondence relating to the Bill would be made available to the Members of this House. The Honourable the Home Member said no. The result, therefore, is this. This Bill is being forced upon this House during its last days, and, so far as this House is concerned, without giving the non-official Members even an opportunity of seeing what the Local Governments say and without giving them an opportunity of consulting public opinion. Now is it fair to the Government? I appeal to the Honourable the Home Member—this is an attenuated House. I recognise that he has loyal supporters behind him. I also recognise, Sir, the attenuated ranks on this side of the House, and it is upon that ground, Sir, that I ask the Honourable the Home Member to remember that we are now winding up this Session, and a Bill of this controversial character should not be rushed

through without consulting the people and persons who would be primarily affected by it. Is it fair, I ask, that we should be asked to consent to this

1 P.M. Bill without consulting our constituents or the persons who would be directly affected by it ? Sir,

I submit that it has been a rule and I know, Sir, that you also gave it as a ruling from the Chair that controversial measures should not be introduced during the residue of the Session. But I am not appealing to you, Sir. I am appealing to the good sense of the Honourable the Home Member and I know he possesses plenty of it. I only ask him not to use his majority, his standing majority, to rush this measure through, for it is an unpopular measure and one which, I submit, is not required in the present circumstances of the country. It is perfectly true that, if this measure had been introduced during the occurrence of the recent Calcutta riots as a temporary measure, as an Ordinance, there might have been something to say in its favour, but to place it permanently on the Statute-book, to re-enact, as I have said, some of the most obnoxious provisions of the Press Act of 1910 and to incorporate them in the standing criminal procedure of the country is a thing to which, I submit, no responsible Member of this House can assent without further consideration, and it is on that ground, Sir, that I have given notice of a motion that the Bill be circulated for the purpose of eliciting opinions thereon. We have no opinions at all—absolutely no opinions. I therefore submit that a measure of this character which, I submit, is *prima facie* a measure which curtails the liberty of the subject, should not be passed without consulting the persons affected by it. Four months would not make any difference to the Honourable the Home Member. (*The Honourable Sir Alexander Muddiman : "It would not make any difference to the Home Member but it might make a considerable difference to the Honourable Member."*) Four months, Sir, would not make any difference to me or to my fellow Members. We are after all birds of passage, we are here to-day, we are not here to-morrow, but I submit that now that we stand doing our duty with our faces to the west about to mutter "*Nunc dimittis*" is it fair that you should at this moment charge us with the heavy load of having to take the responsibility of giving our consent to a measure which we know would not be liked by the public at large and which we feel would seriously jeopardise and threaten the liberty of the people. Upon these grounds, Sir, I ask the Honourable the Home Member to accede to the motion I wish to make, namely, that the Bill be circularised.

Mr. K. C. Roy (Nominated Non-Official) : Sir, I rise to move my amendment—

"That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Mr. M. A. Jinnah, Lala Lajpat Rai, Mr. K. C. Neogy, Mr. N. M. Dumasia, Colonel J. D. Crawford and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, all the members were good enough to give me the necessary permission, except Lala Lajpat Rai who gave me provisional permission. I am glad, Sir, that he is here to-day and I welcome his presence. He is the doyen of our profession and expressions of views coming from him will carry great weight with my fraternity. Sir, at the outset I wish to make my position fully clear. I entirely accept the underlying principle of the Bill. I do not deny for a moment that there exists in India a communal situation almost unparalleled in her history. I do not for a moment deny that there is any amount of objectionable writing in the Press and in

leaflets. Nor do I deny that Government have the right to demand some power from us in this connection. But are the Government right in demanding this Bill from us to-day and without further examination by the Select Committee? Sir, if the Honourable the Home Member gives us a Select Committee we shall only require two hours, or possibly a day, and we shall be able to produce a report as we are very anxious to assist him in his undertaking. We are fully sensible of the exceptional emergency which is arising in the country. Now, Sir, I am fortified in my opinion by the opinion of a most competent authority. A newspaper of great eminence and standing, called the *Leader*, has written as follows :

"It goes without saying that the authors and publishers of such disgraceful literature must be punished promptly as well as adequately whenever they can be got at."

This is a view which I for my part fully endorse, but, Sir, I want the Select Committee to examine the opinions of the Local Governments. I want the Select Committee to examine whether it would not be right to limit the life of the Bill to two years. I want the Select Committee to examine that very suspicious clause, clause 2 (a) of the Bill, which runs as follows :

"(a) after the words 'seditious matter' the words 'or any matter calculated or likely to promote feelings of enmity or hatred between different classes of His Majesty's subjects' shall be inserted ;"

I should like, Sir, to see the following substituted in its place :

"matter which promotes or attempts to promote feelings of enmity or hatred, etc.,"

The Honourable Sir Alexander Muddiman : I might point out to the Honourable Member that if he wishes to put forward any amendments he should have put them on the paper. I should have been prepared for them.

Mr. K. C. Roy : I claim, Sir, that I had not sufficient time. Again, Sir, another matter I would like to discuss in the Select Committee is whether confiscation should not take place after a verdict of a competent judicial authority. These are matters, Sir, which I place before the Home Member and I know that they will receive the utmost consideration at his hands.

I am sorry, Sir, to sound a note of warning. The Government of India have taken no notice of the failure of Provincial Governments to maintain law and order. They have overlooked the ringleaders of the riots, they have overlooked the real rioters. It is the Press that has been singled out for public chastisement.

The Honourable Sir Alexander Muddiman : I am much obliged, Sir.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I rise to oppose the motion that the Bill be taken into consideration with all the emphasis that I can command. The Bill is not so simple as the Honourable Mover seems to think. It is a very serious encroachment on the liberties of the people and is liable to be used for the purpose of adding fuel to the fire instead of allaying it. And, therefore, it is not such a measure as can be passed in such a hurry as it is attempted to be passed. The measure can be divided into three parts for the purpose of consideration : the confiscation of matter upon which there has been a finding by a judicial court under section 153A, the stopping of circulation of matter for which a person is under trial, and the summary forfeiture of matter which has never come before a judicial court. The Bill under consideration extends all the summary powers of determination and confiscation conferred by section 99-A on a Local Government, for this last mentioned object.

There may be something to be said for the first two points, and if the Government will give us time we shall be very glad to co-operate with them in finding suitable remedies for the purpose of preventing the circulation of any matter which is likely to come under section 153-A, during the pendency of a trial, or after a trial has been concluded. But to give such wide powers to the Local Governments or to the police as are contemplated under section 99-A, without any of these qualifications, will be a serious encroachment upon the liberties of the people and they are liable to be abused as powers like that have so often been abused in the past. So far nothing has been said here which goes to the core of the matter except perhaps the speech of Sir Hari Singh Gour. It is really an attempt to reintroduce those provisions of the Press Act which have been done away with, deliberately, after a long agitation and after a complete inquiry by the Government, an inquiry made by a very competent Committee. And after those provisions have been superseded this is an attempt now to reintroduce them in this insidious form. No one deplores more than I do the religious quarrels and communal troubles that have been going on, and I would welcome any measures taken by the leaders of the people or by the Government to stop that state of affairs or even to minimise the evil, if it cannot be stopped altogether. All such measures will have my fullest sympathy. But we cannot be a party to a measure which may be used for purposes other than communal. This insidious Bill practically goes much beyond the need of stopping the circulation of matter likely to lead to communal quarrels. You will see that if this amendment is made in the law as proposed it may be used—I do not say it will be—but it may be used not only for the purpose of confiscating or forfeiting such literature as is likely to come within the purview of section 153A on account of its communal nature, but it may also be used or rather abused when something may be said by labour against capital or *vice versa*. That is an aspect of the question which Honourable Members should keep in view. Section 153A is wide enough. It does not confine itself only to religious quarrels between communities professing different faiths. For when it refers to a matter which is likely to promote enmity and feelings of hatred and contempt between different classes, it is by no means likely to be confined to disputes between Hindus and Muhammadans only. There are other classes also. Therefore the effects of the present Bill may have very far-reaching consequences and it should not be regarded as a simple measure for strengthening the hands of Government in dealing with religious disputes for the maintenance of law and order. I have every respect for the maintenance of law and order but I do not know of a single instance where this Legislature has done its best to strengthen the hands of the Government by giving it special powers to meet an emergency and where the law thus enacted has not been abused and has not been kept on the Statute-book for a longer time than was necessary. We have known that to happen in the case of many measures which at the time we did not take serious exception to because we thought that the emergency existing at the moment demanded them. We know that in the past measures have been enacted in the name of law and order for temporary purposes due to passing emergencies, and we also know that those measures have been kept on the Statute-book when the emergency had passed and have been used for purposes for which they were not originally intended. Now I am not quite sure but I think it was said by the Honourable the Home Member that the daily press is not likely to be affected by this Bill. Well, I do not know. You are asked to give vast summary powers to the magistracy

or the Executive for the purpose of determining what matters are likely to come under section 99-A, and it is quite possible that the issue of a daily paper may be stopped and it may afterwards prove to have been quite unnecessary. Under the last sub-section of this section they will have no remedy, by way of a claim for damages. I do not want to oppose the Bill tooth and nail, but what I am submitting is that no case has been made out for passing the Bill in such a great hurry without giving the people sufficient time to consider its provisions fully. Also we cannot make up our minds at once as to how far to support or to oppose it or in what modified form it may be passed. All these things have to be gone into before this Bill could be accepted. Of course the Honourable the Home Member is very strong to-day on account of his voting strength in this House, and probably he is going to use it. But I can not help saying that that will be very unfair. This is not one of those uncontentious measures that can be passed in this House in such a hurry ; and this is not an emergency measure also because an emergency measure is meant for a small period. Here it is proposed to put this on the Statute-book for all time, and as such it is likely to cause harm. Also, Sir, no facts have been placed before us as to events between the date when the Legislative Assembly last sat in March and now to justify this Bill. Many riots have taken place no doubt, but is there any evidence to show that besides what the newspapers said, which could not be stopped, any large number of pamphlets have been circulated in the country which have brought about the existing state of affairs ? The case of Kohat has been quoted, but I do not know whether the Honourable Member remembers that in Kohat it was after the pamphlet had been destroyed by the Magistrate and no more copies were left for circulation that the trouble broke out. The conflagration took place after the pamphlet had been destroyed. So that we are not at all sure that the measures proposed under this Bill are likely to be effective. Is it even true that any large numbers of pamphlets have been issued during this period ? As regards newspapers I quite agree that they are to a very large extent responsible for the present state of feeling. I say that without discrimination. The papers of all communities, Hindu, Muhammadan and Anglo-Indian—all these three classes of newspapers have added to the feelings of tension and have contributed to this trouble. But you cannot stop them. In extreme cases you can stop them under the powers which you have at present, for there are several provisions of the Criminal Law under which they can be hauled up. It has been said that this Bill will not affect newspapers and is meant primarily for the kind of pamphlets to which I have referred. But to add to the powers of the Executive in this way is I submit a gross encroachment upon the liberties of the people and should not be indulged in in such a hurry. I want to assure the Government that in any measures they may want to take to stop this communal tension and to stop the publication of matter which is likely to add to the communal tension or to bring about riots or quarrels, the Government will have the fullest sympathy and support of all sections of the people. But what is now proposed is not the proper remedy. The remedy is different. Even if this be a part of the remedy, the present form of the Bill is, I submit, not the proper remedy and this legislation should not be undertaken. I would earnestly appeal to my friend Mr. Yakub not to support the Government in such a way that the trouble may be aggravated, rather than stopped. It is for us to take to heart the present troubles and their consequences and try to stop them honestly. No amount of legislation will stop this communal tension. Unless the leaders of the

Hindu and Muhammadan communities take steps to stop it, it will never cease. We must do our best outside the Legislature. The legislation that is proposed is entirely misplaced. After we have exhausted our resources it will then be time to come to the Legislature.

An Honourable Member : Have you not exhausted your resources ? At Delhi, for instance.....

Mr. President : Order, order. The Honourable Member is not entitled to make a speech.

Lala Lajpat Rai : I make the deliberate statement in this House that we have not tried all our resources to stop these communal troubles.

An Honourable Member : Why not ?

Lala Lajpat Rai : Because we were engaged in some other business. I do not want to go into particulars, but I will say that we have not exhausted all the resources.

With reference to the Unity Conference, my friend says it was a fiasco. I cannot accept that statement as a true representation of facts. The conference was not a fiasco. After several days' deliberations we came to very good conclusions. We were not able to induce the country to take action on those conclusions for certain reasons which I do not want to go into at this time. After that time we did not make very serious efforts. We did not expect a conflagration to such an extent. But I am perfectly prepared to state from my place in this House that we have not exhausted all the resources that we had at our disposal to prevent a certain amount of this communal tension, and we ought to do it now before we come to legislate here. What can legislation do, until you change the heart of the people ? Legislation cannot prevent the riots if the people are determined to break each other's heads. The other day I read a speech in which it was said, "The moment we come down to a settlement of the Hindu-Muhammadan question, these riots will cease." I do not want to say anything bitter ; I do not want to say that that statement is perfectly correct, but there is a certain amount of truth in that statement. So you will see legislation in this matter will not help us very materially, and this legislation particularly. You know the atmosphere of these troubles. I am not going to bring any charge, but in this atmosphere of Hindu-Muhammadan bitterness, there are Hindu police officers and Muhammadan police officers, Hindu informers and Muhammadan informers who might add to these troubles by the exercise of extraordinary powers this Bill confers on them.

An Honourable Member : Not sufficient, Sir.

Lala Lajpat Rai : The law gives them more employment, more business instead of stopping their business. It is in our interest to stop their trades, but this Statute will give them more power and give them greater facilities to bring about quarrels. This section should be entirely deleted from the Statute-book. In fact if I were at liberty to do so I would introduce a Bill to remove that section from the Statute. I have seen it sometimes abused, but to extend it and to extend it in such a way as this, is not, I respectfully submit, a wise course, not a statesmanlike one. If Government wanted any temporary measures in order to check the expansion or spread of these communal quarrels, that would be an entirely different thing. But this is not a temporary measure ; it is a permanent one, and on principle should be disapproved of by the House. It is the reintroduction of a measure which has been cancelled by the deliberate vote of this House. This Bill introduces a measure which

we have deliberately repealed. The day before yesterday a speech was made by the Honourable the Finance Member in which he appealed to us not to hit below the belt. That is exactly what Government are doing by the introduction of this Bill and by the determination to pass it at such time as this, without any consideration by the people and without eliciting any further opinion on the matter. I submit that the Bill should not be passed in this manner. I have had no time to study it, as it was not circulated for public opinion, and to make it an emergency measure is not fair. The Government think otherwise and they will take advantage of the opportunity they have got. But I would respectfully appeal to every Member of this House not to be actuated by these passing events but to think of the permanent injury that this Bill would cause to the liberty of the Press, to the liberty of conscience, and to the interests of the country if it goes on the Statute-book in this form. I would not hesitate to say that it would practically be playing false to the people and to the country. I therefore strongly protest against this Bill being passed in this way and I support either of the two measures proposed by Sir Hari Singh Gour or Mr. K. C. Roy.

Mr. C. A. H. Townsend (Punjab : Nominated Official) : Sir, as a district officer who has served in the Punjab for over twenty-five years I rise to cross the t's and to dot the i's of the speech made by the Honourable the Home Member in so far as he spoke of the great anxiety and worry from which district officers in the North of India now suffer, owing to this most unfortunate communal tension. Sir Hari Singh Gour has told us that that tension has subsided. I do not know what are the grounds for his statement, and I wish from my heart that I could agree with him. I see, I am sorry to say, no signs whatever of its subsidence. Leaving, however, that point, I will try to depict to the House the grave anxieties caused to district officers in the North of India during the last few years by this communal feeling. It is never absent from the minds of those who have to maintain law and order. There are Members in this House who have said that the officials of Government are anxious that communal friction should remain. They know but little of our anxieties. We have this matter ever in our minds, but particularly when some big Hindu or Muhammadan festival is approaching. Some time before the occurrence of each important festival we have to take the most careful and elaborate measures in every big city in the Punjab, and also in many small towns nowadays, in consultation both with the police, with the local leaders of each community, and often, I am sorry to say, with the military authorities, as to how law and order are to be preserved. Fortunately, our efforts in the matter in the Punjab this summer have not been unsuccessful, except in one or two instances. But anxiety is never absent from our minds. I read in the newspaper the other day that the Deputy Commissioner and the Superintendent of Police of Lahore both spent the night preceding a big festival recently at the Sadar Police Station in that city—a pleasant place in which to spend a Punjab summer night. I personally arranged with my district officers—and I, in no way, wish to blow my own trumpet,—that my district officers should send me telegrams as soon as the recent Id and Mohurrum festivals in their districts had passed without trouble. As I received the telegrams from each district informing me that everything had passed off well, I said "Thank God". You cannot realise the relief we district officers feel when an important festival passes off without any disturbance.

There is another aspect of the case, I should like to put before the House. Apart from riots, which are the outward and visible signs of communal friction, it affects all Government servants in administrative posts in the Punjab, in every branch of the administration. If we have to make nominations for appointments to a District Board or Municipal Committee, to make appointments to Government service, to promote Government servants, to make enquiries into charges of corruption or inefficiency against them even in the administration of criminal justice, we have always to bear in mind claims of the different communities or the possibility of communal jealousy being at the bottom of the complaints, before reaching a decision.

Sir Hari Singh Gour in his eloquent speech not infrequently used the query, "Is it fair to the House?" I would ask this House a similar question: Is it fair to the men serving Government in Northern India, both European and Indian—the great majority are Indian—that this unfortunate state of affairs should be allowed to continue a minute longer than this House can help?

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : Mr. President, this is a very simple but a most important Bill. It involves no complicated issue, and its urgency is evident. My Honourable friend Lala Lajpat Rai, whom I do not see here now, opposed the Bill with all the emphasis in his power, yet he also recognised the necessity of adopting some measure for the preservation of peace and the prevention of the spreading of feelings of communal bitterness and hatred. To my mind the imperative need of the country is the restoration of friendly relations between the two great sister communities. Without harmony, without co-operation, the progress of the country will be impeded. The pressing need of the hour is tranquillity for which it is our duty as peaceful citizens to co-operate with the Government with all the might that lies in our power. The riots have already resulted in enormous loss of life and property and caused incalculable damage to trade and dislocated business and created a feeling of distrust and suspicion in the country. The atmosphere is charged with the spirit of dangerous hostility and it is the duty of every citizen to strengthen the hands of Government in the restoration of peace and amity, even if it involves a little sacrifice. But if this measure is rushed through this Assembly without being carefully considered in the Select Committee, it will create a feeling of suspicion in the country. I think, in order to consider what improvements or modifications are necessary in the Bill and to allay the feeling of suspicion, it is necessary that the Bill should be carefully considered in the Select Committee, in its various aspects. I know that the measure does not admit of delay, but what we have to consider is that it is the right kind of action. Before the next Assembly meets several months must be lost and the country wants rest and peace. Sir, any measure which is contemplated to allay this racial bitterness should not be delayed, but as I have said, we should not take a hasty step which may be misunderstood in the country. My friend Lala Lajpat Rai said that communal representation was the cause of these riots. I beg to differ from him. It was the late Mr. Gokhale who, for the sake of compromise and continuance of friendly relations between the two communities, advocated communal representation, and he went so far as to say that, even if in proportion to their numbers one or two more seats were given to Muhammadans.

it would not matter provided it secured peace and harmony. Sir, I was one of those who was at first opposed to communal representation, but now I stand here to-day as a convert. If communal representation which has been a settled fact were done away with to-morrow, there would be riots, disturbances and bloodshed all over the country again, and it was with the view of avoiding this that the late Mr. Gokhale, who was a great and patriotic Hindu of the Hindus, and who believed that for the peace of his country and the progress of his country unity between Hindus and Muhammadans was necessary, went the length of saying that even if the representation granted to the Muhammadans was a bit more than was actually required, he had no objection to it. Then my friend Lala Lajpat Rai said that riots were continued after the inflammatory literature was burnt, but he forgot that the mistake which was once done could not be undone. As I have said, Hindus, Muhammadans, Christians, Parsis, we all want tranquillity in the country, and to secure that purpose it is our duty to strengthen the hands of the Government even if it involves a bit of sacrifice on our part. But I think that should only be temporary as this question affects the liberty of the people. I do not want that a wrong impression should be created in the country by hasty action. I therefore strongly support the motion moved by my Honourable friend Mr. K. C. Roy for the committal of this Bill to a Select Committee, and in doing so I beg to say, that if I think that this Bill would encroach upon the liberties of the Press and the people permanently I would oppose it outright and vote for its rejection. But, as I have said, this is a simple Bill, conceived in the best interests of the country and it is necessary that it should be considered in Select Committee. It may be argued that we have no time for this purpose. But the Select Committee may meet at once and finish the business with as little delay as possible.

Mr. K. Ahmed : Will you sit this evening and finish by to-morrow morning?

Mr. N. M. Dumasia : Sir, I am in the hands of the Honourable the Home Member. If he calls the meeting to-day we are ready to discuss it to-day and come to a settlement, but even one who was one of the strongest opponents of the Bill, Lala Lajpat Rai, has said there is a necessity for some measure, but he wanted to leave these things to the leaders of the community, stating that the leaders had not exhausted all their resources. If the leaders have not exhausted all their resources, it is not the fault of the Government; it is the fault of the leaders themselves. They should have bestirred themselves and not waited till Government were compelled to bring in this Bill.

Colonel J. D. Crawford (Bengal : European) : Sir, there is one point in the debate which has emphasised and forced itself upon me, and that is that everyone is sincere in their desire to see whether they cannot allay this communal tension which stands in the way of the ordered progress of this country. Every Indian, be he Muhammadan or Hindu, who has spoken so far in this debate has emphasised his desire to assist; and may I say that we Europeans too desire to do all we can to assist in a settlement of this present communal discord. We are often charged, as the Government are often charged, with helping to foment communal hatred. I desire emphatically to repudiate on behalf of my community any comments of that description. It is not in our interest to foment communal discord, and any body who has had experience of the Calcutta

riots will know that British commerce was one of the heaviest sufferers from the discord in that city.

There are three points at the moment before the House. There is the Bill and there are two delaying motions. One delaying motion is for circulation for opinion which, if accepted, would necessitate the Bill and the consideration of the Bill being postponed till the next Session. The other delaying motion is one for a Select Committee, and I presume the Honourable Mover of that motion considers that he will have time to have his Select Committee finished and his Bill passed through both Houses of this Legislature before this Session ends. Let me first speak of the necessity for legislation of this nature. I had considerable experience of the riots in Calcutta and anybody who went round the Indian quarters during those riots must have been struck by the number of little groups which one saw sitting around in the streets with one man with a pamphlet in his hand reading it out to the others. There can be no doubt that those pamphlets and I think many newspapers too did a great deal to foment and maintain the tension that was current in Calcutta. I do not think there can be any doubt of the necessity for action of some sort. From what the Honourable the Home Member has said, it appears that under the existing law you can punish the people who publish these pamphlets but you have no power to go out and seize the pamphlets on the spot and prevent their circulation in the town and in the mofussil, and that is the power, I understand, which this measure seeks to give to the Executive.

I do not find any difference of opinion among Members of this House as to the necessity for legislation of some sort, but let me deal with the question of delay. My Honourable friend Sir Hari Singh Gour has put forward certain proposals that this measure should be circulated for opinion. Well, my Honourable friend Lala Lajpat Rai stated that there will be no great abatement of communal tension till the question of Muhammadan and Hindu representation is finally settled. That is, as a matter of fact, a very true statement. But as regards the position to-day there can be no doubt that there will be no immediate abatement of the present tension until the forthcoming elections are over. Now those elections are to take place before this House sits next January and it is during this period that we may expect considerable and increasing communal tension. If you want the measure at all, you must have the measure now or leave it alone for good. Therefore, I cannot support his proposal for a delaying motion of circulating for opinion.

As regards Mr. K. C. Roy's amendment, I personally do not see the necessity for a Select Committee. The need of the country to-day is that Government shall act and do all that lies in its power to put down a state of affairs which in any European country would have raised the whole country to a demand that Government shall take action. If you had been in Calcutta city as I was, you would have seen the poor people who were not really concerned with the riots—what were they doing?—running out of the city, unable to perform their local jobs, their houses looted or burnt. What is needed is that Government should come forward and take these citizens under their protection.

Mr. K. C. Roy : Whose incompetence was it due to?

Colonel J. D. Crawford : I am not concerned with whose incompetence it was due to. If the Government is incompetent it is for the

non-official Members to see that it is competent and to press it to take adequate action to suppress these disturbances.

Mr. K. C. Roy : I hope you will give us your support then.

Colonel J. D. Crawford : As regards the suppression of the liberty of the press, Honourable Members have said they are here to defend the liberties of the people and the liberty of the Press. That is true, but we are here also to see that the Press performs its responsibilities to the people, and when you get in papers, as I have got here, articles too terrible to read out in this House, I feel that the Press or portions of the Press at least have not fulfilled their share of the bargain, and that if they do not fulfil their share of the bargain, then it is up to us to keep them to it. There is one thing which we all desire and that is that communal discord shall cease. There is one duty forced therefore on every Member of a legislature in this country, be it provincial or be it central, and that is to give to-day, as an earnest of his desire to assist in allaying communal discord, his support to the Executive in a reasonable measure of this nature. I therefore support the principle of the Bill.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I confess I rise to speak on this motion with some reluctance for it is a case of choice of evils which we have to face to-day. I may say at once that I lend my wholehearted support to the principle underlying the Bill not because of the vague statement made by Colonel Crawford that he saw people in the streets of Calcutta reading something of which we know nothing and of which we have heard nothing but what he infers from the reading.....

Colonel J. D. Crawford : Would you like me to read it here ? Do you think it desirable ?

Diwan Bahadur T. Rangachariar : If you have got it I should like to read it, because it will enforce the argument.

Colonel J. D. Crawford : I will show it to you afterwards.

Diwan Bahadur T. Rangachariar : Well, it is not because of that statement but because the case for the principle of the Bill rests on more substantial grounds. I myself have seen reproductions of some pamphlets or leaflets only last week reproduced in the *Hindustan Times* which appeared to me to be very provocative indeed, and I have heard it stated by people in these parts that such inflammatory leaflets and pamphlets do circulate, and I do not think any Honourable Member of this House has questioned the accuracy of the statement made by the Honourable the Home Member that most of these riots are due to such a cause in a large measure. Even my Honourable friend, Lala Lajpat Rai, for whose return to the Assembly to-day we are all grateful, although he says he has not seen many pamphlets of that sort, even he does not question the accuracy of that statement. So we start with that fact. Here are riots which end in bloodshed, which end in injuries to our own countrymen.

Now, if there is one thing clear more than another it is this. Preventive action is needed in this case more than in the case of seditious matter. Seditious matter, I am sure, will fall flat upon the people of this country. It does fall flat ; and however much there may be writings preaching sedition, unless it amounts to inciting to actual rebellion and all that, I am not at all afraid of any amount of seditious matter being uttered or spoken or written or published or printed. But in a case of this sort where an appeal is made to religious fanaticism creating discord

among communities, it is very necessary that we should take ample safeguards. The principle underlying this Bill is that prevention is better than cure. I would perhaps state it that prevention is better than punishment. Now, what is the power which the Executive Government now possess? They can prosecute people who circulate or print such pamphlets, inflammatory pamphlets, leading to communal or class discord. No doubt that might have some effect, but it is far better to prevent the spread of such literature because then we will be doing a great deal of good to people who are likely to fall a prey to such incitements. Therefore, Sir, the question is whether the Executive have now got that power under the existing law. It is true that after conviction the pamphlets can be confiscated. It is true that you can make a search after instituting the prosecution and get hold of the papers and produce them in court. It will be for the court to pass orders regarding the disposal of papers so seized. But prosecution under this section, all will agree, should not be lightly launched. It requires the careful consideration of Government before such a prosecution can be launched, because many issues arise out of a prosecution. Probably you give greater publicity by a prosecution of that sort to inflammatory matter and perhaps it would be wise to ignore such things. Therefore, Sir, I accept the principle underlying the Bill that the existing law does not arm the Executive with the necessary power for prevention. This is highly essential and therefore an amendment of the law is needed. Now, we all have an instinctive dislike to the Executive Government of this day, and, I am sorry to say, with ample justification. Justification, Sir, we need not go far afield to seek. We have it in what happened only the other day in Bengal. Sir, it is a matter of all-India importance. Now, why do the people distrust this Executive Government? If there is any opposition to this measure from my non-official friends here, it is because such power has not been properly used before, and that is why they dislike to arm the Executive with more power of this sort. Therefore, I appeal to the Honourable the Home Member, while I for my part am prepared to lend my support to this Bill, to keep a close watch upon the way in which this power is exercised. Home Members have often said on the floor of this House that they are doing it and that they will take care to do it; and I am glad to acknowledge in one case to my own knowledge they have exercised their supervising authority to the satisfaction of the public—I will not mention that instance. But at the same time I am not at all sure that they are keeping that close and strict watch over the Executive Governments all over the country in the way in which Central Governments should do. For no doubt under the section, as Honourable Members will have noticed, the power to decide whether the matter is one coming within the scope of the section is vested in the Local Government. But what is the Local Government? Does the Governor in Council really consider this matter? He ought to, I quite agree. But oftentimes they are misled by the executive officers; in the excitement of the moment the executive officers do not bestow that calm and cool consideration which the Home Department of the Government of India often does in matters of this kind. That is where the trouble comes. It is abused, it is misused, it is misapplied; influential papers escape; rich people escape; troublesome communities escape; in that way people are apt to look with suspicion. If the Government will administer impartially the power entrusted to them, I am sure the distrust which now exists in the minds of the public will disappear. That, Sir, is where we are crying for

responsible Government ; for then they will take care to see that they do not exercise the power in the way in which they are doing it now. But at the same time that cannot be helped. In the meanwhile the country cannot wait for Swaraj and say " We will not arm the Executive with power of this sort, though it is essential in the interests of preservation of lives and of peace and of the limbs of the people of this land ". We have to tolerate the Executive Government as it is. We have to trust them ; we are here to see that they behave properly, and I am quite sure if we do our part here we can keep the Executive Government somewhat in check. But my Honourable friends argue " Why do you rush a measure of this sort in a thin House like this ? " Is the Executive Government responsible for the thin House ? The people are responsible for the thin House. Let them take note of it. Here is a most important measure affecting, it is said, the liberty of the subject and the liberty of conscience ; and where are the people's representatives ? What are they doing ? Sir, I say that is no excuse at all. We cannot shirk our responsibility simply because some people happen to be absent. We have to do our duty. We have to do our duty to the extent to which it lies in our power. At the same time, when I give my support to this measure, I cannot help feeling that amendment of a substantial nature is needed in the Bill as introduced. I hope this communal feeling, this tension between the communities is a passing phase. I hope that is so, although whether there is ground for my hoping so is a matter perhaps to be judged later on. So, whether there is necessity for enacting a permanent measure and placing it on the Statute-book, arming the Executive in this manner is a matter for serious consideration. This acute tension is only of recent growth and I hope it will disappear soon. It will disappear not merely by preserving law and order. As I said yesterday some more elaborate measures are needed. I will not go into that question now, but merely keeping the peace or preserving law and order and preventing riots is not going to remove the root cause of the evil. The root cause of the evil is elsewhere and requires greater consideration. I support this measure not on the ground that it is going to bring about communal concord—not at all ; perhaps, as my friend, Lala Lajpat Rai, mentioned, it may lead to further discord if it is abused. If the Executive Government is suspected of bias towards one community or another then it is likely to embitter feelings still further between the communities. That is why the careful exercise by the Local Government of the power entrusted to it under this measure requires consideration.

Sir, I do consider there has been a departure from the language of section 153A in enacting this clause. The language of section 153A is not reproduced although the object is apparently the same. The language of section 153A is not reproduced in this clause because the language here is somewhat wider. It requires to be carefully examined before you can give your consent to this measure. The Honourable the Home Member will notice that the language of section 153A is " promote or attempt to promote feelings of enmity or hatred between different classes ", whereas here the wording is " or any matter calculated or likely to promote feelings of enmity or hatred between different classes of His Majesty's subjects ". There is a wider scope given thereby. What is the necessity

for such wider language is a matter which must

3 P.M. be examined by a Select Committee alone ; and

the other suggestion that I made whether a clause should not be introduced in the Bill making the Act endure for two years or three years as the

Select Committee may decide, is also a matter for the consideration of the Select Committee. I have no doubt in my mind, Sir, that this is a measure which must be passed in this Session of the Legislature. Even if some prolongation of the Session were needed, I for my part would be quite prepared to stay on and see that this Bill becomes law in a modified form. Therefore, Sir, the shortness of the Session need not deter us from giving our support to this motion for reference to a Select Committee. After all, Sir, the Select Committee can report by the day after to-morrow, and we can meet on Saturday and pass this measure. Even if some prolongation of the Session were needed, I do not see why this Session should not be prolonged. Simply because the Executive Government have made up their minds that this Session should close on the 2nd September, should it close if the interests of the country require that the Legislature should sit longer? Therefore, Sir, I think that the matter should be considered and passed in this Session. I for one would suggest for the earnest consideration of the Government that it will not be wise or politic on their part to rush through this measure without referring it to a Select Committee. This matter has to be examined carefully by the Select Committee and additional safeguards have to be introduced. The language is too wide, and I do want the Select Committee to consider this very carefully, and they can do it in two or three hours. I therefore support the motion of my friend Mr. K. C. Roy for whose opinions on this matter I have got the greatest respect, and I do hope that my suggestion will commend itself to the House.

Sir, I have only one suggestion to make. My Honourable friend Mr. K. C. Roy would, I am sure, accept this suggestion of mine, and it is this. I should like to add the name of Sir Sivaswamy Aiyer to the Select Committee, and I hope the House will accept it.

Khan Bahadur A. Rahman (Bengal : Nominated Official) : Sir, I can assure the House that automatonous as we are described to be by the Leader of the Independent Party sitting serene and unruffled in the Bench opposite we do not rise up to support the Home Member on each and every occasion and in support of every proposition put forward by him; but it is only when palpably unfair and ungenerous criticisms are made against very sound and reasonable proposals that we rise up to support the Honourable the Home Member.

Sir, in rising to support the amendment in the present Act it is not my intention to repeat those reasons which are given in the Statement of Objects and Reasons, but to confine myself to my personal experience of the Calcutta riots which perhaps necessitated this urgent legislation on the lines indicated by the Home Member.

Sir, it is very difficult for Members coming from provinces far away from the scene of communal riots and unaffected by communal horrors and sitting in the serene heights of the summer resort of the Imperial Government to appreciate the urgency for such legislation; but to us who passed sleepless nights and undergone anxieties for weeks and months together, the matter is most serious. To us the part played by the circulation of thousands and thousands of most mischievous and inflammatory pamphlets, exciting the worst elements in both communities, and working up to frenzy the unfortunate creatures who committed all sorts of horrors in the name of religion, was a serious matter. Can you imagine, Sir, that within 300 yards of the Bengal Secretariat murders were committed in broad daylight and with impunity, and that between

the 2nd and 12th April as many as 44 persons were killed and 584 injured, while between the 22nd April and 9th May 62 persons were killed and 359 persons injured ? Can you think for a moment without a shudder that Hindus during the height of the riots cut the throats of the Mussalmans simply because they had Moslem dress on, and *vice versa*, and would you believe that two Hindus were murderously assaulted by Hindus themselves because they had long beards ? Can communal frenzy go further ? Sir, I know that the Calcutta police arrested a person who was distributing thousands of leaflets urging the Hindus to beat, stab and murder all Mussalmans wherever caught. But fortunately for the man there was an accident in which two motor lorries came into collision and in the motor the man escaped. And during these Calcutta riots I can assure you that thousands of such leaflets were distributed broadcast throughout the town and were sent to the mofussil by post.

Sir, I can reasonably ask the House, are not Government justified in taking drastic measures to remedy all evils that contribute to encourage such a perversity of the human mind ? Sir, it must be a curious manifestation of perverse mentality indeed to see apparitions of evil genius in every act of Government and to attempt to throw obstacles in the way of every sound and reasonable proposition of Government to legislate where legislation is urgently required for the peace and tranquillity of the country and for the safety of law-abiding citizens. Coming back to the amendment itself what do we find ? It is a simple amendment of Section 99A, giving Government power to confiscate newspapers tending to incite communal hatred. I ask, is it an arbitrary power we want to give to the Government without any remedy to the aggrieved person ? Certainly not. It is provided in Section 99C that every application of an aggrieved person shall be determined by a Special Bench of the High Court composed of three Judges, and the person can bring his grievances to the notice of the High Court and get proper remedy. Nothing, Sir, will satisfy a certain section of our people, and they will try to delay matters which are urgently required to nip in the bud any cause that might increase communal tension. It has been said, Sir, that Section 153A of the Penal Code is sufficient for the purpose, but may I ask whether this section can catch those strange persons who distribute leaflets inciting people to commit horrible outrages ? Certainly I do not think any legal authority would say that it can, and besides it is not possible to trace the authors of those leaflets. Naturally enough Government are bound to search suspicious places where these leaflets are printed, as has been done in Calcutta, and in the course of those searches leaflets inciting people to commit all sorts of outrages on members of the other community have been found ; but I am afraid Government were not able to deal with those leaflets or their authors. It is therefore necessary that a special section should be enacted giving full power to the Government to seize such mischievous and inflammatory articles and leaflets, so that they cannot reach the masses and cause mischief as they have already done in Calcutta. Sir, it has been said by Sir Hari Singh Gour that the Calcutta and other riots were a passing phase of communal tension, but with due respect for his opinion, I think it is not a passing phase, but it has come to stay. Members of the House are well aware of the extent to which communal feeling is running high among members of both communities and, unless all possible steps be taken to strengthen the hands of the Executive, the result may be disastrous. It has been also said that this

Bill interferes with the liberty of the people. I do not know what the Honourable Member who said so means by the liberty of the people. Is it the liberty of the few, or the liberty of the millions, millions of law-abiding citizens who look up to Government for protection? Then there is a proposal that the Bill should be circulated before it is taken into consideration. That means that the Bill should be shelved for six months at least, and until the election is over, which is just the contingency for which the Government seek to provide themselves by enacting special laws to prevent further riots. There is a further amendment that the Bill should be referred to a Select Committee of eight persons.

Khan Bahadur A. Rahman : It is my incompetence and your incompetence too. The members of your community have failed to do anything. So I do not think it is the Government's incompetence; it is principally the incompetence of the leaders of the Hindu and Muhammadan communities. Sir, this is an emergency Bill and it should be enacted without further reference to a Select Committee and without circulating it.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I wish to say a word or two in support of the principle of this Bill. The object of this Bill is merely to implement the policy which underlies section 153-A of the Penal Code. That section strikes at all attempts to promote enmity and hatred between different classes of His Majesty's subjects. The object of this measure is to take preventive action and prevent the diffusion of any literature which is calculated to produce the effects which are dealt with in section 153-A. I am therefore in favour of the principle of the Bill.

Two objections have been urged against the Bill, one, that it is unnecessary and that in this matter we ought to leave it to the communities concerned to come to a reconciliation among themselves, and another, that the powers are liable to be abused. With regard to the view that the matter should be left to the action of the communities concerned I am sorry that our past experience does not justify a very optimistic view. Several conferences have been held and they have all failed to bear any fruit. I have no objection to any amount of pious efforts for the purpose of bringing about this much-desired object of reconciliation between the communities. I have no objection to prayers or good wishes and I do not in fact deprecate any attempts made by the communities concerned to bring about an adjustment of differences and a better state of feeling between them. But at the same time I am one of those who have no objection to trust in God but prefer to keep their powder dry and ready for use. In fact my complaint against the Government is that they have failed to make an adequate use of the powers with which the law has vested them. If the Government had made an adequate and prompt use of the powers conferred upon them under section 153-A, I imagine it would have been possible for them to nip much of the evil in the bud. Now, whatever might have been the attitude of the Government in the past, let us hope that they are now fully alive to the dangers of inaction and that they will take measures for the purpose of preventing a continuance of this state of things and that they will make a prompt, vigorous and impartial use of the powers with which the law has vested them. I approve of the principle of the Bill inasmuch as it is merely intended to carry out further the objects which have already been provided

for in the substantive law as enacted in section 153-A of the Indian Penal Code.

Now, Sir, with regard to the objection that the powers may be liable to abuse, we have to remember that the exercise of this power is not left entirely to the sweet will and pleasure of the Executive uncontrolled by any judicial authority. Under section 99-B of the Criminal Procedure Code any order of forfeiture passed under section 99 can be revised by the High Court, and I see no reason why we should distrust our High Courts. At the same time I agree with my friend, Diwan Bahadur Rangachariar in thinking that the language of this Bill is somewhat too widely expressed and that it requires some revision. I therefore support the amendment which has been moved by my friend, Mr. K. C. Roy for the appointment of a Select Committee. I believe that any defects which may now be found in the language of the Bill may be remedied on reference to a Select Committee and that any safeguards which may be considered to be necessary may be introduced in the Bill. For instance I will just mention one possible use of the provisions which might occur. Let us suppose there is a book published—say an encyclopaedia or something of the kind—and let us suppose that in some one volume of that encyclopaedia there is some remark or passage which may be considered likely to offend the feelings of a particular community and therefore promote ill-will. Surely it would be a very absurd exercise and an extravagant exercise of the power to order that all copies of the book itself, the entire book, to be confiscated. It may be possible to separate the objectionable passage from other passages and to forfeit only the offending portions. Some kind of discretion ought to be left to the magistrate and to the executive authorities to discriminate between the offending matter and the matter which is not open to objection. That is one possible abuse which occurred to me, as likely to arise under the application of the provisions of this Bill. It might be quite possible to suggest other defects in the Bill against which it may be necessary to provide some sort of safeguard. One such defect has been pointed out by my friend, Diwan Bahadur Rangachariar, namely that the language of the Bill is somewhat different from that used in the case of section 153-A. However, all these defects are of a minor character and are quite capable of being remedied in Select Committee. I therefore heartily support the proposal for a reference to Select Committee.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions :

4 P.M. Non-Muhammadan Rural) : Sir, I have no hesitation in saying that all criticisms of the action of the

Honourable the Home Member in introducing this Bill at this stage on the ground of the thinness of the House, etc., are not quite relevant to the discussion. I believe the Honourable the Home Member has been prompted by the best of motives and that is to try to seek one more means of preventing the spread of literature which is inflammatory. I believe also that the Honourable Member has not the least intention of taking advantage of the thinness of this House to pass this Bill. I am sure that the consideration which has weighed with him is that this Assembly will be dissolved in a few days and that there will not be another meeting of the Assembly for the next few months and that the matter is of such importance that he has thought it right to bring forward this Bill to-day. I am entirely at one with him in his desire to push this Bill through in

this Session. Neither do I agree with the criticism that the failure of leaders, such as they are, has anything to do with this Bill. The leaders have failed, I regret to say—in my opinion, they have failed miserably. I think they have failed in coming forward to address the members of the communities to which they belong and pointing out their mistakes and their folly, failed in condemning unequivocally the action of the members of their communities when they have been to blame. If we leaders on both sides had done our duty fearlessly and courageously in this direction, I believe that much of the misery which has been borne by innocent people would have been avoided. We have not had the courage to go and address the Muhammiadans and the Hindus at mass meetings to point out their mistakes. We may come here and make speeches expressing our fervent desire that this communal discord should cease ; but we have not discharged one of the most responsible duties which we owe to our own people, the Government and the country. But that also is not relevant to the discussion on the Bill now before us. The fact that the Government have failed to do their duty, or rather that certain officers of Government have failed to do their duty, is also not relevant. It is undoubtedly the case that in certain places Government officers have failed to take note of the situation and to take prompt and impartial action. I believe that in some places where these riots broke out, if the authorities on the spot had taken prompt decisions, and taken action which the situation demanded, the misery and suffering caused would have been much more limited than they have been. In many places too owing to the pusillanimity of officers or owing to their not being able to come to a correct decision, much avoidable misery has resulted. At the same time I must bear testimony to the fact that the great bulk of officers, Indian and European, have done their duty well and honourably. If they had not done their duty well and honourably there would have been more suffering and more trouble. But that also is not relevant to the discussion. The fact that the Local Government has failed is also, I submit, not relevant. It has been said that communal dissensions were partly promoted by communal electorates. I agree they have done so ; but it need not have been so. The violent outburst of communal feeling is not the direct result of the communal electorates though it has been partly due to them ; and the solution of the question of joint or communal electorates need not be the first condition of our putting an end to communal outbursts. This is a matter of law and order, of the maintenance of law and order in simple style in which every civilised Government maintains it, in which this Government has maintained it for a long time past all over the country, in which it maintains it now over a great extent of the country, and in which it should maintain it all over the land. But there is no doubt that the tension produced by communal electorates has contributed to the extent of the outburst and is no doubt partly responsible for it. The thing to be done on the part of those who wish to be regarded as leaders or are believed to be the leaders of the people and on the part of the officers of Government was to take prompt and firm action to prevent or promptly suppress these outbursts.

Now, Sir, what is relevant to the discussion is whether pamphlets are published, leaflets are published, which inflame the minds of the people of one community against those of another. Have such pamphlets been published ? I am sorry to say they have been published and they have been published by men of both communities. Reference has been made

to a pamphlet published in Kohat, but probably those who spoke on the subject did not remember that the first pamphlet to be published was published by a member of the other community. The pamphlet to which they have referred was published in reply to the other pamphlet. I think my Honourable friend opposite will bear me out.

Sir Denys Bray (Foreign Secretary) : Not in Kohat.

Pandit Madan Mohan Malaviya : It was circulated in Kohat. Now, Sir, in Calcutta also pamphlets or leaflets were published on both sides which were very objectionable. There were attacks made by members of one community on those of the other and they were replied to. The whole thing was most deplorable. These pamphlets to my belief contributed in no small measure to keep up the communal feeling in Calcutta. I went to Calcutta 20 days after the riots had broken out. I was there several days and saw the miserable condition in which people were living. Innocent Hindus and Muhammadans walking in the streets hacked to pieces, and the great bulk of the citizens of Calcutta sitting quiet and enjoying their leisure and their meals and their sleep. I did see that condition of things. Happily subsequently attempts were made and a joint appeal was issued by some members of both communities to condemn the excesses committed by the men of their own communities, but unfortunately those attempts had been delayed too long. I do think that if those pamphlets had been got hold of at the earliest stage and their circulation stopped, quite possibly and even probably much misery would have been avoided in the case of men of both communities. I believe that such pamphlets have done harm, and everybody will agree that if they come into existence their circulation should be stopped.

Now the law does not give power to the Government to confiscate these pamphlets as the law does give the Government power to confiscate pamphlets which contain seditious matter. Section 153-A of the Indian Penal Code provides that :

"Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of Her Majesty's subjects, shall be punished with imprisonment which may extend to two years or with fine or with both".

This is the operative section which provides for punishment for any attempt to promote feelings of enmity or hatred between different classes of His Majesty's subjects. Section 108 of the Criminal Procedure Code permits a Magistrate to bind over a man to be of good behaviour if he disseminates or attempts to disseminate or in any wise abets the dissemination of any seditious matter or any matter the publication of which is punishable under section 153-A of the Indian Penal Code. It does not say anything about the confiscation of the publications which may contain inflammatory appeals. Section 99-A says :

"Where any newspaper or book as defined in the Press and Registration of Books Act, 1867, or any document, wherever printed, appears to the Local Government to contain any seditious matter, that is to say, any matter the publication of which is punishable under section 124-A of the Indian Penal Code, the Local Government may, by notification in the local official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police officer may seize the same, wherever found in British India", etc., etc.

This does not refer to section 153-A, and I submit that if any matter is printed which offends against section 153-A there should be some provision in the law like what there is relating to 124-A to empower the Local

Government to declare that these papers wherever found shall be forfeited to His Majesty. Now, Sir, it is true that the Local Governments are liable to err in their decisions. It is, unfortunately, too true. But if the circulation of obviously inflammatory literature in times of excitement is to be checked, we have no other remedy. We must trust somebody to do the task, and we must hope that the Local Governments will not err in this matter many times. Section 99-A says :

"Where, (a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or (b) any document, wherever printed".

So the first guarantee you have is that the objectionable matter must be printed before it can be the subject of any notice under the proposed Bill. The second point is that it is the duty of the Local Government which is given the power under section 99-A by notification in the local official Gazette to *declare* every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to His Majesty to state the grounds of its opinion in the notification. It is true unfortunately that some times the Local Governments, for the time being it may be, accept the opinion of the District Magistrates without sufficient examination, and do not exercise all the discretion that the law expects them to exercise. But the law does expect that they should exercise their discretion properly, and if a Local Government does so, it has to state the grounds of its opinion upon which it should declare that a certain matter offends against the provisions of section 153-A, and I submit that there is a safeguard in that provision against mistakes. No doubt, we have to remember that Governments, as individuals, do sometimes err, but I submit there is a safeguard in the provision that the Local Government must state the grounds of its opinions upon which it declares that a certain matter has offended against the provisions of section 153-A. Then, as my Honourable friend Sir Sivaswamy Aiyer has pointed out, there is also a safeguard against a wrong order in the provision for a revision of the order by the High Court. All these no doubt are circumstances which should minimise our apprehensions regarding the abuse of the power which the Bill proposes to give to Local Governments.

But I submit, Sir, that there is also need for a great deal of caution in dealing with this Bill. While I am entirely in favour of the principle of this Bill, I do think, Sir, that in view of the importance of this measure, it should receive much greater consideration than it has yet received. I recognise that it is somewhat unfortunate that owing to the exigencies of the situation the Honourable the Home Member wants to push this Bill through in this Session of the Assembly. But I am certain that the Honourable the Home Member will agree that there is time enough to refer it to a Select Committee, so that the Members of the Select Committee may know, and through them, if necessary, the House may also know, what opinions have been expressed by the Local Governments. I do not want to provoke the Honourable the Home Member into publishing those opinions to this House, if his better judgment tells him not to do so. But I do think that those opinions should be laid before the Select Committee, and if after those opinions have been considered by the Select Committee, the Honourable the Home Member and the other Members of the Select Committee agree that those opinions should be laid before the House, I do not see why those opinions

should not be made accessible to Members of the Assembly so as to remove the suspicions which exist in the minds of some Honourable Members and also to enable them to consider the Bill in its proper light. I submit, therefore, Sir, that the proposal which has been made to refer the Bill to a Select Committee before passing it in this Session, should commend itself to the Government. Now, Sir, I shall point out some of the causes which have led to these misgivings. In addition to those to which I have referred, I would refer to the blunders which Local Governments sometimes make,—I could mention a number of blunders which Local Governments have made at one time or another, but I will confine myself to some of the blunders which have been made by more than one Local Government during the last five years which they should not have made. In some cases, some of the Local Governments committed these blunders in clear disregard of the provisions of the law, and were responsible for depriving many of our fellow subjects of the liberty which they should have enjoyed. I do not wish to take up the time of the House over it. I refer to this only to show that the apprehensions which exist in the minds of some Honourable Members who are opposed to this Bill being passed during this Session are not groundless. I refer to this merely to show that Local Governments who are to be armed with this fresh power and who are to take action under the new act, have after deliberation failed and failed very regrettably in the application of section 144 in the Punjab, in the United Provinces, in Bengal and in some other provinces as well. During the last five years this section has been misapplied, times out of number, and men have been unjustly deprived of their liberty, because the Local Governments did not study the law properly, and because unfortunately many of my friends of the non-co-operation party did not care to defend themselves against the improper encroachments so made upon their liberty. It is undesirable that the Local Governments have failed to take a correct view of some provisions of the law and have misapplied them, but in my opinion that does not furnish a reason for refusing support to the Bill which is needed in times of excitement to enable the authorities to stop the circulation of matter of an inflammable character which in the interests of society and good Government ought not to be allowed to circulate. But while I say so, I yet submit that there is reason for the apprehensions which have been expressed by my friends who have opposed the Bill and I hope nobody will make light of these apprehensions. I hope everybody will recognise that mistakes have been committed by the Local Governments in the past, and that that justifies the apprehension that the provisions of the proposed law might be abused in some cases. And in this connection I wish particularly to draw attention by the language of the last portion of section 99-A (1) which furnishes grounds for that apprehension. It says that when the Local Government has declared any copy of the newspaper containing such matter and every copy of such book or other document be forfeited to His Majesty :

" Thereupon any police officer may seize the same, whenever found in British India, and any Magistrate may by warrant authorise any police officer not below the rank of a sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be."

Now, Sir, it is a matter for regret that at the present moment there is a great deal of communal feeling between Hindus and Muhammadans in

this country. We are ashamed of that fact. But it is a fact which we have to take note of. I ask the Honourable the Home Member to consider what the situation will be when a declaration has been made by a Local Government that a certain book or pamphlet has been forfeited to His Majesty. Any Magistrate may authorise by warrant any police officer not below the rank of a Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected. Unfortunately, in these days of communal tension, even a Member of this Assembly is capable of making an unjust accusation against an association quite as respectable as any other association. In these days of communal tension, therefore, it is unfortunately likely that some Sub-Inspectors may make a search for condemned documents in places where in normal times they would not think it their duty to do so ; but they may be prompted by communal considerations to make searches in the houses of persons with whom they may not be friendly. Therefore, this measure is likely to cause a great deal of hardship. The apprehension that the power of search is likely to be abused, is therefore not ill-founded and this is a matter to which I should like to invite the particular attention of the Honourable the Home Member. It is a thing which requires looking into and to be provided against. I am not prepared at present to suggest what should be the safeguard to be provided against it. The Government must employ the police officers, and it must ask these police officers to go and make a search if the law is to be enforced, but I do want to draw the attention of the Honourable the Home Member and also of the House to the fact that, in view of the communal tension which unfortunately exists at present, this matter requires to be considered carefully, and that some real safeguard should be provided to prevent any abuse of this power, without which it is likely to do great mischief.

But there is one suggestion I should like to make. The Local Government have to be empowered to declare that a certain printed matter is to be forfeited to His Majesty.

Without any disrespect to any Local Government, may I suggest to the Home Member and the House to consider whether an advisory board of three persons may not be constituted to advise the Local Government when a printed matter of the description under consideration has to be dealt with ? I do not wish to go into the details, I merely throw out a suggestion to guard against a mistake being committed under this section. I can not think at present of any better course than having three gentlemen to assist the authority which has to come to a conclusion, which has to make a recommendation to the Local Government as to whether a pamphlet or publication is one which should be taken notice of. There is a tendency among some officers who are solicitous of maintaining law and order of being unnecessarily meddlesome at times. They may be very zealous officers, very capable officers, but they are unnecessarily meddlesome at times, as Lord Macaulay pointed out in discussing section 144 read with 188. I submit, Sir, that we have to guard against their mistakes and no other suggestion occurs to me than this that there might be a committee constituted of an advisory character in order to judge whether the language of a pamphlet is such that it should be taken notice of and proceeded against or whether it is a case in which the attention of the publisher might be drawn to the matter and he may be asked not to publish it again in its existing form. That is one suggestion I make. And, Sir,

I again draw the attention of the House to the great necessity of having this Bill examined in Select Committee. It might be said: here we are, the whole House is giving its mind and its time to a consideration of this Bill; what more can be obtained in a Select Committee? But we know the value of a Select Committee. We know that members will come prepared and equipped, may be by the Home Department, with facts that will help them in coming to a conclusion, and I submit that if the Bill goes to a Select Committee it is likely to come out improved. Even if it does not come out improved, I expect that Members of the House will feel greater satisfaction when the Bill has been examined and the misgivings which obtain at present will probably partially or entirely disappear. And we will be able to vote on the Bill with clearer minds than we are able to do at present. I therefore support the proposal of Mr. Roy that the Bill be referred to a Select Committee.

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I have no desire to cast any kind of censure on the Government, the Local Governments, the Hindu community or the Muhammadan community. I am concerned with one thing alone and that is this Bill; and on examining this Bill the first question that I have got to ask myself is this. Are the Government at the present moment justified in presenting this Bill to this House or not? On that point I myself was inclined to believe that the Government are justified, but after listening to the speeches of my Honourable colleagues, and particularly the speech of my friend Pandit Madan Mohan Malaviya, I am convinced that the mischief does exist; on that question I do not think there can be two opinions in this House now. Well, if that is so, are we or are we not going to eradicate this evil? Are not the Government then justified in coming to this House with this Bill? My Honourable friend, Pandit Madan Mohan Malaviya, accepted the principle of this Bill. Now, he pleaded, having accepted the principle of the Bill, for a Select Committee. Sir, I find that the justification for this Bill is the grave crisis that has arisen, but I think even the Government will not go as far as to say that the crisis which has arisen is going to be with us permanently. If that is so, are we going to put this measure on the Statute-book permanently? I think my Honourable friend the Home Member will admit that this is a power which is an extraordinary power, an unusual power, and there are other interests which have got to be taken into consideration. And that is the liberty and freedom of the Press, and printing and publishing your opinions. That is a matter which ought not to be ignored. Now, are you going to put this Bill permanently on the Statute-book? Well, Sir, I have given thought to it and I appeal to this House not to allow the Government, however much they may be scared by the crisis which faces us, to take away from this House the power of enacting it into a Statute permanently. Therefore, I should say that this Statute should be enforced for a limited period. That would be my first point if ever I get to the stage of moving an amendment. But, apart from that, the second point is that the definition which is adopted here, is, I submit, much too wide. And it is a clear departure from the terms of section 99-A which defines seditious matter. You will find in the Act that seditious matter is defined as matter punishable under section 124-A. The object the Home Member has is to deal with the matter which would come under section 153-A.

*Speech not corrected by the Honourable Member.

Instead of confining himself to that definition of section 153-A, the words which we are asked now to accept are as follows :

" After the words ' seditious matter ' the words ' or any matter calculated or likely to promote feelings of enmity or hatred between different classes of His Majesty's subjects ' shall be inserted."

Well, now, these words, let me tell you, are very wide and it will be impossible, I fancy, for the High Court to deal with any application for revision and come to a different conclusion from the decision of the Local Government if you have these words. You will at once negative the right which is given under the Criminal Procedure Code to go to the High Courts. It will become useless. Therefore, these are the two matters about which I am very anxious, namely, that we must carefully define the matter which it is intended to confiscate or forfeit and the Statute should be enforced for a limited period. It is for these two reasons that I appeal to the Home Member to allow this Bill to go to a Select Committee. These two matters cannot take a very long time. I think—and I think the House will agree with me—that, if your Select Committee sat to-morrow for a few hours, two hours or three at the most, these two matters could be discussed and thrashed out. (*Mr. K. Ahmed* : " Why don't you do it to-night ? ") I am prepared to do it to-night if the Honourable Member will persuade the Home Member. But I do ask the Government not to carry this Bill because they happen unfortunately to have a majority in this House to-day. I know that the responsibility is ours, because many of the elected Members who ought to be here in their seats are not. As responsible men they ought to realize what is happening every day and what is being passed every day because of the weakness of the unofficial opposition. It is to be regretted. Here is a very important measure. We have got to consider that once you pass this Statute it is going to operate throughout the country and it is a very serious matter indeed to place these powers in the hands of an executive which must necessarily work with all the defects to which all executives are subject, and perhaps ours the worst because it is not responsible to anybody. I therefore really do appeal to the Home Member not to be intoxicated with his power of the majority in this House and to take a sober view and not press this Bill upon us, when he knows perfectly well that he can defeat us at any time he likes in the absence of the other non-officials.

The Honourable Sir Alexander Muddiman : Sir, when I listened to the debate in this House yesterday I was extremely hopeful that I should have been able to address a House united on the main point of the necessity of the action contemplated by this Bill. I have been charged with making an appeal to the feelings of the House this morning—I admit it. I wanted to give the House a chance of showing that it is in earnest in the desire which it frequently expresses to help to stop these communal troubles. I acknowledge that there are two schools of thought in the House, but I had hoped that there would be only one opinion and that there would not be any discordant note in the general desire to meet these difficulties, or to try to meet them at any rate in a fair and open spirit. I find, however, that that is not so, and I will not again exhaust myself in attempting to make any appeal to the emotions of the House. I will endeavour, as far as I can, clearly and logically to put before the House the position as I see it, and it will be for the House to act, and as the House acts so it will be judged.

The first speech to which I will make allusion is that of Mr. Das. Mr. Das a few days ago was good enough to suggest that the main factor in these communal troubles, or one of the main factors, was the Government who deliberately fostered them. It has been a matter of great satisfaction to me that no other Member has repeated that accusation, and I hope the House will at any rate definitely express its feelings on that. Mr. Das naturally holding those views would oppose any action on the part of Government calculated to help the situation, and I think that is sufficient for Mr. Das.

The next speech to which I will refer is, that of Sir Hari Singh Gour. I must say I should have expected it from him that he would have stated the effect of the Bill correctly. He however made two misstatements of law in his anxiety to oppose this measure. One was that he attributed powers to the police which are vested in fact in the Local Governments. The next misstatement he made was that he stated that this Bill was re-enacting the worst features of the Press Act.

Now, Sir, that is either an intentional misstatement of the law or a misapprehension of the Bill. I leave it to the House to decide which it was. When Bills are being opposed, it really does not strengthen the case for or against the Bill to misstate the position.

Sir Hari Singh Gour : I rise to a point of order. I never made the statement that this Bill is intended to reproduce the worst features of the Press Act. What I did say, and repeat, is that this Bill incorporates some of the noxious provisions of the Press Act.

The Honourable Sir Alexander Muddiman : The House heard Sir Hari Singh Gour and will judge between us.

I will now turn to another of the same school of thought who sees no necessity for this legislation and is opposed to it. I will deal with my Honourable friend Mr. Neogy, who made a very bitter attack on the Government of Bengal. He charged me with not having read passages from the Local Governments' letters which I promised and he said generally that the Bill was unnecessary and useless, if I heard him rightly.....

Mr. K. C. Neogy : I did not say that. What I said was that I am not satisfied that the Government of Bengal, or any other Local Government for that matter, has made sufficient use of the powers they already possess, and I am not prepared to accept the Bill unless I am satisfied that they have exhausted their resources.

The Honourable Sir Alexander Muddiman : I will accept that from my Honourable friend. In other words he charges the Local Government with general negligence and says there has been no case made out to legislate. With regard to the question of necessity for legislation, I will deal shortly; for the moment I will confine myself to deal with the point about the Local Governments. The Government of Bengal wrote as follows :

" As has been pointed out by the Government of India, it is at present open to the Governor in Council either to institute proceedings under section 108 of the Criminal Procedure Code or to prosecute offenders under section 153A of the Indian Penal Code. Both of these courses have been freely followed with the object of checking the flood of inflammatory matter poured out by the Calcutta press since the beginning of the recent disturbances. A list of the proceedings instituted and their results is attached to this letter. It shows that the proceedings have been successful in the sense that the courts have in no case held that the writings complained of did not bring the persons

complained against within the provisions of the law under which action was taken. But they failed in achieving their object, which was immediately to check the output of inflammatory matter."

And they cite a number of very violent passages which I am not going to read to the House because I do not think it is in the best interests of the public that they should be read to the House.

The Government of the Punjab write as follows :

" It is difficult to classify, in order of mischief, the various agencies now in use for the promotion of communal excitement or the embitterment of sectional feelings. At times speeches at meetings or in religious institutions appear to be doing the greatest harm ; on other occasions a booklet or pamphlet will cause wide resentment and a desire for active retaliation."

They then go on to point out the difficulties in regard to section 153A in so far as that section is said to be a check. They point to a well known prosecution in which an attack was made on a personage who was greatly revered by one community. As a result of it a prosecution was instituted. What was the result ? The defence endeavoured to prove their case by selecting passages from books which were greatly revered by one community. The trial went on for a long period, much evidence was admitted by the magistrate, with the result, as the Punjab Government say, that " his Court became for some months the scene of a bitter religious controversy which was fully reported in the newspapers, and which had the worst possible effect on the state of communal feeling in the City ". That shows to what extent prosecution sometimes fails as a remedy. You prosecute under 153A and the mere fact that you prosecute causes the trouble to go on. By the very action you take to put a stop to it you really provoke worse communal feeling than ever. That shows that prosecution under 153A is not always advisable. The Local Governments are charged, as I understood Mr. Neogy, with not using the powers they have got. Here is a case of when Government had with the best of intentions used its powers, which resulted in a state of things that was worse than before the prosecution. Well, Sir, I am happy to say that the bulk of opinion in this House is not on those lines. A large number of Members have said quite definitely that they support the principle of the Bill. One or two Members have clearly shown that they are very earnest in their desire to support Government in all reasonable measures to deal with this evil. Sir, what is the principle of the Bill ? The principle of the Bill is this, that as section 124A is implemented by section 99A, so section 153A should be implemented by an addition to that section. That is the sole principle of the Bill ; there is no other. If you water that principle down, there is nothing left to the Bill and it will be useless for me to proceed. I should be entirely lacking in frankness to this House if I told them that the passage of this minor Bill will have any great effect on the communal situation. I will be frank with the House when I say I do not think it grapples even with the whole of the difficulties created by the existing law. It is a step which this House should take and take at once. It is a step in which I suggest they should support Government without the slightest hesitation, but it is not a complete solution to the legal and other difficulties to which the communal situation has given rise. Now I take it that the general sense of the House is against the proposal for circulation, and I therefore do not propose to waste much breath in dealing with that. Obviously if you circulate, you stop the passage of this Bill till the next Assembly is constituted, and that is a delay which, with the exception of Dr. Gour, I think no one in the House wishes to contemplate. So we

may pass from that. The next proposal, and one that I find more difficulty in dealing with, especially as it comes from quarters which command and rightly command, the attention of anybody speaking from the Government Benches, is that this Bill should go to Select Committee. Now, as I have said, the principle of this Bill is to implement 153A. As 99A implements 124A, so the Bill I have brought before the House implements 153A. If you accept that as the principle of the Bill, I fail to see what there is to go to Select Committee on.

Two points remain. I will deal with them *seriatim*. The first point was this, that the Bill should be only a temporary measure. Now, Sir, I must tell the House quite frankly that I do not bring forward this Bill as a temporary measure, I bring it forward to stop a definite leak in the law, and a leak the existence of which has contributed very seriously to the communal trouble that has arisen. The lack of this power has had a cumulative effect. Lacking power to search for matter of the kind described in the Bill has led to the circulation of a great deal of that matter, and in consequence thereof the communal situation has definitely and progressively deteriorated. Now even if the communal situation improves, as I hope and trust it may, though no one in this House has given me any very great hope of any immediate improvement, there always will be the danger that on the next occasion when two communities are at loggerheads—there are many communities in India—unless you have this power, the law will be defective in that you cannot take the necessary precautionary measures which are in my judgment, and I trust in the judgment of this House, essential for controlling the issue of these abominable pamphlets and the like. That is my view on the question whether the Bill should be temporary. That is not a matter for the Select Committee; it is a question of principle and, as far as I am concerned, I do not bring this Bill in as a purely temporary Bill; I bring it in as a permanent measure to stop a defect in the law. I should not be fair with the House if I let this Bill go to a Select Committee with the idea that I, on behalf of the Government, could accept any amendment which would limit the period of duration of the Bill. Therefore, from that point of view there is no point whatever in the Bill going to Select Committee.

The next point made was one that had a certain amount of apparent substance.

I think the first speaker who drew attention to the point was my Honourable friend the Diwan Bahadur, but other Members have certainly mentioned the same point. It is said that clause 2 as it is worded differs in some respects from the wording of section 153 A. Now if Honourable Members will examine the matter more closely, they will see there is nothing in that because it would be impossible, in view of the drafting of 99 A, to incorporate in exactly the same terms the words of section 153 A. The matter is fully cleared from doubt by the second clause in section 2, clause (b), which does actually draw in section 153 A and incorporate by reference the words of that section in the Bill. There is, therefore, nothing in that point, certainly nothing which would justify a reference to Select Committee.

Then it is said, "Why are you so stubborn about this? Even if it is not necessary why not meet us? I ask the House to believe that I am not one of those who would invoke the Government majority to check

what I thought was a reasonable and proper desire on the part of this House to have a Select Committee. My record in this respect can leave no doubt on this point. I have frequently acceded to the wishes of the House in this kind of matter. Nor can I be charged with acting differently because it so happens I may or may not be in a majority at the moment. In these matters I do what I consider to be my duty. If I was single and had no vote to support me, I should bring in this Bill and insist on the House considering it, though I might be well aware that it would be thrown out on the first reading. It is not a question of political tactics. I do not bring in this Bill to inflict a defeat or from any motive of that kind. I bring it in because in my judgment it is a very necessary and urgent Bill and, therefore, in dealing with this question of reference to Select Committee I do want the House to believe that I do not oppose it out of any desire to use the power that I have or may have; I oppose it on the ground that it is unnecessary and undesirable. As I have said, I could not on behalf of Government accept the limitation of the term of the Bill and therefore that ground for reference to Select Committee fails. And as I pointed out, the language of the Bill is not open to the objection which has been brought against it. Moreover, neither of those points is really a Select Committee point, because they can be better dealt with by an amendment being brought on the floor of the House.

Now, Sir, the time has come for this House to take a decision definitely on whether they will take this Bill into consideration or whether they will refer it to Select Committee or whether they will circulate it. The decision is one of very considerable importance. It is a decision which must be taken now if it is to have any effect. I hoped this debate might have a great effect on the general communal situation. It is therefore most desirable that this House should be reasonably unanimous on the subject. I am well aware of the appeals being made to me from very influential quarters of the House to have a Select Committee and I dislike exceedingly to appear to be unreasonable and to refuse a request of that kind. May I in my turn ask those gentlemen, after hearing the reasons why in this particular case I am reluctantly opposing a reference to Select Committee, to consider whether they cannot meet me on this occasion and instead of terrifying me with their minority oblige me with their majority and withdraw the motion for reference to Select Committee.

Pandit Madan Mohan Malaviya : May I ask the Honourable the Home Member what would be the loss to Government if the Bill is referred to a Select Committee and taken up on the last day of the Session ?

The Honourable Sir Alexander Muddiman : I have already explained in my speech the difficulties I have in regard to a Select Committee. I am not going to Select Committee to deceive this House. I ask the House to approve of the principle of the Bill which I have brought in. This Bill implements section 153A in the same way as section 99A implements section 124A. That is the principle and the only principle of the Bill and it would not be frank to the House to say that I would go and sit in a Select Committee with a proposition that the Bill should be made temporary when I am, as I have already told the House, completely opposed to that course.

Mr. President : The original question was :

" That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration."

Since which the following amendment has been moved :

" That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have is that that amendment be made.

The motion was negatived.

Mr. President : Further amendment moved :

" That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Mr. M. A. Jinnah, Lala Lajpat Rai, Mr. K. C. Neogy, Mr. Dumasia, Colonel Crawford and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

To which the following amendment has been moved, namely :

" That the name of Sir P. S. Sivaswamy Aiyer be added to the Select Committee."

The question is :

" That the name of Sir P. S. Sivaswamy Aiyer be added to the Select Committee."

The motion was adopted.

Mr. President : The question is :

" That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Mr. M. A. Jinnah, Lala Lajpat Rai, Mr. K. C. Neogy, Mr. N. M. Dumasia, Colonel Crawford, Sir Sivaswamy Aiyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was negatived by 50 votes against 25.

Mr. President : The question is :

" That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be taken into consideration."

The motion was adopted.

Thursday, 26th August 1926.

Diwan Bahadur T. Rangachariar : Sir, with your permission, I beg to move :

" That section 1 be re-numbered section 1 (1) and to that section be added the following sub-section, namely :

' (2) It shall remain in force for two years.' "

Sir, I commend this motion for the acceptance of the House for several reasons. In the first place, Honourable Members will remember that section 153A has been on the Statute-book from the year 1898 onwards. But for the unfortunate tendencies of the last few months, no necessity was felt, so far as I can gather, for any extraordinary provision of this sort. Although section 153A has been in existence there have been a few cases which came to Court notably in the Punjab. There have been very few cases indeed under section 153 A. It must be said to the credit of all the communities and classes in this country that they have been getting on amicably so long. But it is only in the last few months that bitterness has been roused and we are also able to say that one of the main causes of that bitterness is the publication of literature coming under section 153A ; and that is why we feel the necessity for enacting this measure. I indulge in the hope, Sir—and I hope Honourable Members of this House on both sides share with me that hope—that

this is merely a passing phase. At any rate, it is better that we convey the impression to the public that we think it is a passing phase ; we wish it were a passing phase ; we are making earnest attempts to make it a passing phase ; let us make the public believe it is a passing phase. This will be a psychological way of appealing to the communities concerned. We, the Legislature, have confidence. Let us show by our act that we have confidence in the good sense of the communities concerned and therefore we are passing merely a temporary measure, because we consider it is a passing phase. Why not use that to have a psychological effect on the minds of the public ? Every little thing goes to soothe the feelings. If really a permanent measure were needed, we are here ; we are not disappearing ; the Legislature will always be there to arm the hands of the Executive whenever they are satisfied that the necessity exists, as we are doing to-day. The Executive Government have been able to satisfy us to-day that this measure is needed, and, notwithstanding the disappointing reply of the Honourable the Home Member yesterday, I feel satisfied that the Legislature will always rise to the occasion. If at all there are people who do not rise to the occasion, we have to look to the other Benches. These Benches always recognised their responsibility, Sir. Only we wish the Government recognised their responsibility to an equal degree and to an equal extent. Sir, I do appeal to the Government. Nothing is lost by acceding to public wishes in this matter. This will be in force for two years. It would have a good effect on the minds of the public and it will be satisfying non-official public opinion. You are not incurring any risk or danger. If really these unfortunate things should continue, then it will be time enough to come to the Legislature and say, "Here, you made it two years ; unfortunately, things are going on in the same way. Our attempts have failed to promote concord and therefore the Executive should be further armed". Then it will be wise to consider such a measure. Sir, I do consider, as I stated the other day speaking on Maulvi Muhammad Yakub's motion, that we must make very earnest attempts to remove the root cause of the evil. Now, these things are merely palliative remedies, merely arming the Executive with extraordinary power, and again, being an extraordinary power, that is the reason why we should make it merely a temporary measure.

The Executive do not like, I hope, to be armed with these extraordinary powers. I do not suppose they have got a craving for such extraordinary powers. On the other hand, they should promote conditions in the country which would not require the arming of the Executive with such extraordinary powers. Therefore, if an extraordinary power is deemed necessary, it should be temporary. Having regard to the fact that we have got on without these extraordinary powers for over 25 years, notwithstanding the existence of section 153A, that in itself is a strong argument in my favour that we should not make it a permanent disfiguring feature of the Statute-book, for, after all, all these extraordinary powers are disfiguring features in the Statute-book. That is the view I take and that is the view I ask this House to take. Being a necessary evil, let us not prolong it longer than is necessary to meet the situation. I, therefore, commend this motion for the acceptance of the House and I ask the Government once more seriously to consider this question and not merely to flout it away. Sir, I do not know why the Honourable the Home Member complained yesterday about the

reception which this Bill has received at the hands of the House. We have given it a good reception, a considerate reception, which it deserves. We have treated this Bill generously and I hope the Honourable the Home Member will rise to the occasion and respond to non-official opinion in this matter. Sir, I move the amendment.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : Sir, it gives me great pain to rise to oppose this amendment. Things have happened during the last few months which we all know and therefore we conceded yesterday that this little addition to the Indian Penal Code is very necessary. So far as the principle of this Bill is concerned, therefore, we have admitted it. The only question which now remains is whether this power should be given to the Government permanently or only for a short time. I was talking to a Swarajist friend of mine only last evening on my way back home and he told me distinctly that it was good that this Bill had been brought forward and that he would be glad if it were passed. He also said that in his part of the country the mischief that has been wrought by this literature was so enormous that it could not be controlled. As far as I could gather from him, he led me to understand that it was the Mussalmans who were suffering more on this account than the members of any other community. Now, Sir, the Honourable Diwan Bahadur T. Rangachariar said that this unpleasantness between the two communities is of recent growth, only extending over a few months. Unfortunately, I cannot agree with him in that view. The Kohat riots took place some time ago, and the Saharanpur riots, the Shahabad riots and several others took place years ago, so that this unpleasantness has been brewing for several years and, if I think rightly, we Mussalmans attribute these unfortunate occurrences to the movements of Shuddhi and Sangathan which have been in existence for several years. The action of the Arya Samajists has also contributed very materially to the unpleasantness between the Hindus and the Mussalmans, which has culminated in these riots all over the country. One does not know how long this unpleasantness will continue. If this Bill is restricted in its action to two years only, there is every likelihood of the Government coming back again and asking for the extension of the period. But my strongest point is this. When you have given power to Government to search for literature in regard to sedition, where is the harm in giving further power also to search for literature of this kind ? If we, Hindus and Mussalmans, make up our differences and live peacefully and amicably in the future, as we all hope to live, there will be no occasion to use this power at all and it will remain a dead letter as is the case with the other power with regard to sedition. But I think that the Government ought to be permanently armed with this power so that if at any time in the future disturbances break out between any two communities, leaving aside the Hindus and Mussalmans, they should have a power to use at once without coming to the Legislature once more. For these reasons I oppose the amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, my Honourable friend Khan Bahadur W. M. Hussanally has quoted an anonymous Swarajist Member in support of his view. I shall quote not an anonymous Swarajist Member but a leading newspaper supported by the entire European community of India, namely, the *Statesman* of the 24th, which in the first leading article describes this unfortunate piece of legislation as panic legislation and panic legislation, it says, is almost invariably bad. There is a

leader of two columns which completely and entirely vindicates the protest we made yesterday on behalf of the dumb millions of this country (Laughter) against this panicky legislation. But that stage is now passed. What still remains is to ameliorate the condition of the people by at least placing a pause upon this piece of legislation. Honourable Members on both sides of the House are agreed that the condition of India at the present moment is abnormal. There is unfortunately communal tension between the two communities and also a great deal of this tension is due to the dissemination of poisonous literature issued from the Press belonging to both communities. But, as we have said, this is only a passing phase of Indian life and, as such, I should have been the first to welcome a special piece of legislation brought *ad hoc* for the purpose of combating the present high tension which it is intended to cope with. The objection that Diwan Bahadur Rangachariar raised—and that objection remains—is that you cannot take advantage of one passing phase of Indian society to strengthen permanently the armoury of the Executive and place on the regular Criminal Procedure Code a power which, we fear, is liable to be abused and might at times be abused to the detriment of the public. One such transient phase gave us the Rowlatt Act. And everybody knows the fortunes of that unfortunate measure. A great deal has been said by Members on both sides of this House of the Kohat trouble, but are the Honourable Members aware that, if there was a trouble, it could have been suppressed by resort to Regulations ? I think there is such a thing as Frontier Regulations. I do not know—I speak subject to correction—whether they apply to Kohat or not.

But to place the whole of India in the same position as the outlying districts of the Indian Empire, and to place in the hands of the Executive power which may not always be wisely used is an objection, Sir, which we still feel in our mind remains unsurmounted, and I am glad to find that it is not a view which is shared by the Indian alone, but as I have read one sentence from a long leader in the leading newspaper of Asia, that objection is shared by a very large number of Europeans as well.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Except the officials.

Sir Hari Singh Gour : My friend, Mr. Jinnah, adds " except the officials." But even if the officials were free to vote I do not know how many of them would not have voted on our side yesterday. To do them justice even officials are fair men. And I still maintain that, if the whip is not applied, and if the Honourable the Home Member leaves it to the free vote of the House to decide this question as to whether this piece of legislation should not come to an end within a period of two years, we should carry this amendment.

Sir, it has been said, and was said by the Honourable the Home Member yesterday, that in introducing this Bill he was trying to supply a leak in the law. Now, Sir, nobody is better aware of the fact than the Honourable the Home Member that when the Press Act of 1910 was repealed in 1922, when this piece of legislation which is now sought to be made was placed on the Statute-book, this very question was considered and the Legislature of the time-being, with the concurrence of the Executive Government, then decided to limit the scope of this section merely to seditious matter, and the reason of it, Sir, was obvious. In 1922 it was observed, and as will be apparent to everybody here to-day, that the

Indian Penal Code deals with three essentially cognate offences, sedition, fomenting communal disturbances, and defamation of a person. To use the language of the law, all these three are species of one main offence, defamation. Defamation of the State is sedition; defamation of the class or community is punishable under section 153A; defamation of a person under section 500 of the Indian Penal Code. They are all three species of one common offence, namely, defamation. And in 1922, when dealing with this question the Government and ourselves were at one that while it was easy to define what is defamation of the State, it is difficult to bring offenders to justice under that large and vaguely worded section, 153A of the Indian Penal Code, and therefore in 1922, only four years back, after deliberation, the Legislature limited that clause to cases arising under section 124A.

Sir, may I give illustrations to show how section 153A, if too technically constituted, would suppress even the religious preachings of any community. Here is a religious preacher who issues a pamphlet denouncing idolatry and ridiculing the practice of Hindu idolators, which would rightly offend the susceptibilities of orthodox Hindus. I am perfectly certain if section 153A were technically construed, the disseminators of that tract would be laid by the heels under the provisions of that section. And take the contrary case.

An Honourable Member : So much the better.

Sir Hari Singh Gour : Are you not encroaching upon the liberties of the people? Are you not, while professing religious neutrality, suppressing proselytization by the missionaries, by the followers of Islam, by the Arya Samajists? I submit that a purely religious tract denouncing the practice of a religion and ridiculing such practice as obnoxious to common sense would conceivably come within the provisions of section 153A, and it is not difficult to see that the police—my friend the Honourable the Home Member objects to my using the term police, but they are the real workers and they are the people who set the law in motion and obtain the sanction of the Local Government—the police may immediately seize hold of such pamphlets and make a search of the house for the purpose of discovering such pamphlets. I wish to ask, Sir, if searches are made in the houses of the Honourable Members on both sides, how many persons will not be brought within the technical comprehension of section 153A of the Indian Penal Code, and that is one of the reasons why I point out that section 153A of the Indian Penal Code ever since the date of its enactment has remained practically a dead letter. There is only one reported case and two unreported cases that have been decided under section 123A of the Indian Penal Code, and that being the main section, the preventive section would greatly aggravate the evil of searches made, as the Honourable Pandit Madan Mohan Malaviya pointed out, upon reasonable suspicion that a person is possessed of seditious literature. I can well understand that the Legislature would be willing to arm the executive with power of search, if followed up by a prosecution, or give the magistrate the power upon a conviction to seize and destroy or otherwise dispose of such objectionable literature, but where there is no conviction and no intention to prosecute, but merely a desire to seize and destroy this literature, there is grave danger of a failure of justice, and it is upon these grounds that we object to the passage of this Bill.

I have no doubt that if the Honourable the Home Member were not speaking for the Government but were speaking to us in the lobby, he would agree with us in what we have said, because he is too much of a lawyer not to see the point we are making on behalf of the non-official Members here. But let that pass. I appeal to the Government that we are here in spite of the disaffection of a large wing of the Members of the House to co-operate with the Government, to assist them as far as we can, and to oppose them when we must. This is one of those unfortunate occasions when we feel that we shall not be conscientiously doing our duty unless we draw the attention of the Government to the dangers that lie underneath this piece of general legislation. The Honourable the Home Member is welcome to introduce a special piece of legislation, and we shall support him and he will serve the same purpose if he were to limit the life of this Bill to a period of two, and I am prepared even to go to three years; but do not place it permanently on the Statute book. By placing it permanently on the Statute-book you will be confronted with difficulties, and those difficulties you will regret have been of your own creation.

One word more, Sir, and I have done. Yesterday I said that this legislation repeats some of the obnoxious provisions of the Press Act I of 1910. The Honourable the Home Member misquoted and said that I had stated that this piece of legislation reproduces the most obnoxious provisions of the Press Act of 1910. Sir, I have a high opinion of the Honourable the Home Member and so I took home with me Act I of 1910 and burned the midnight oil in studying this Act section by section. I have come back, Sir, this morning convinced that this Act does reproduce some of the most obnoxious provisions of the Press Act of 1910. Look at section 4 of the Press Act I of 1910. I admit that the penalty is not so drastic, but the provision penalising the forfeiture of property goes much further than in the Act of 1910. I refer to section 4 which was repealed by the Act of 1922. However, Sir, that is a matter upon which lawyers always disagree, and I have no doubt the Honourable the Home Member will not accept that correction. But that does not prevent me from once more making an appeal to the Honourable the Home Member to yield to some extent to the united wishes of the Members of this side of the House. I wish, Sir, I could muster the same amount of passion as the Honourable the Home Member brought into play yesterday in charging this House to pass his Bill unanimously. I have no doubt that that passion has considerably subsided in consequence of the opinions which the leading newspapers of this country have pronounced on this Bill, and I hope therefore, Sir, in the cooler moments of this morning the Honourable the Home Member may be able to accede to what I submit is a reasonable and modest wish of this part of the House.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I had no intention to take part in this debate to-day by making a speech, but I want to submit to the Chair that if the introduction of the Shuddhi, the Sangathan and the Arya Samaj into this debate by an Honourable Member is relevant, then surely a reply to that statement is also relevant. Therefore while I refuse to be drawn or provoked into any retaliation of the insinuations made yesterday and to-day

against me personally and against the Arya Samaj and the Hindu community generally, I want to repudiate those insinuations with as much emphasis as I can command. My Honourable friend is entirely mistaken in attributing these troubles to the Shuddhi, the Sangathan and the Arya Samaj, but if he is right in doing so then he must put the blame on British Rule because it is the existence of British Rule that has made the activities of proselytising agencies possible and to such a wide extent. But he should remember that the Arya Samaj is not the only proselytising agency. Other agencies more powerful and influential existed before the Arya Samaj was born. If this section could be used for the purpose preventing all proselytising activities and putting a stop to them, I would at once move for its being permanently on the Statute-book, but I am afraid the Government itself would repudiate any such intention and common sense also tells me that this section cannot be used for such purposes. Consequently, all these insinuations are altogether beside the point in this debate. I do not want to make any appeal to the Home Member because he knows his business and he has not said anything of this kind ; he wants this measure permanently for his purposes ; all Governments want as much power as they can possibly get from the Legislatures and the Government of India is no exception. Governments are in the habit of ascribing all kinds of troubles and difficulties to the non-existence of sufficient powers which would empower them to prevent such troubles arising ; but when they do get those powers, those powers are not always used for the purposes for which they were demanded. (*Honourable Members on the Government Benches "No"*). My Honourable friends say "No". I think the whole political history of the world supports the statement I have made. I do not ascribe any special evil to the Government of India, but that is in human nature and that is in the nature of all Governments. I do not, therefore, make any appeal to the Home Member but I do want to make an appeal to the Honourable the Mussalman Members not to wash their dirty linen on the floor of this House. There is enough room outside this House to do that and we should not convert this House into an agency for ventilating our respective communal grievances against each other. That will aggravate the trouble and not minimise it. For myself I want to make this statement once for all that I shall take no notice of any insinuation made against me. I refuse to be drawn or provoked into a controversy on these subjects on the floor of this House. I just wanted to make that statement, with your permission, Sir ; I have made it and I thank you for allowing me to do so.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I desire in the first place to say that I very much regret it if the House generally takes the view of Diwan Bahadur Rangachariar that I do not recognise that I have had much support in the House. I do recognise it and recognise it gratefully, and I should like to say that I am greatly indebted to the House for the tone in which the House has discussed this Bill. The last thing I expect is the entire approval of the House in a matter of this kind, but the considerable measure of support I have received I recognise gratefully.

As regards certain remarks which have fallen from Honourable Members, who have not been debating, if I may say so, the actual amendment before the House, I think it is unnecessary for me to say anything.

I do beg that no Member of this House on this side or that side, belonging to this party or that party, will do anything in this House which is calculated to foment the trouble which we all deplore. But I may be permitted to make one remark. If this country is to obtain anything in the shape of rest from these troubles it will not be by the asserting of rights but by recognising the rights of others.

Sir, the particular amendment before the House desires to make this Bill a temporary Bill for two years. Now I dealt with that point in my speech yesterday and I have since the debate given it my earnest consideration because I knew an amendment of this kind was almost certain to be moved. Sir, I am afraid, I cannot accept it. This Bill was brought forward to stop a permanent loophole in the law. It was not brought forward as a panic measure or a measure of emergency. Nor have I ever put it forward as in any way a complete solution of the difficulties we have to meet. I agree, and agree entirely, with the view that no legislation will solve the problem that is now in front of India. But Government, anxious as it is and as it always must be, to reconcile parties, has also other duties. It has to see that the law is observed and it has to make its law effective. That is only one side of the duties of Government but it is a very important side.

Now, Sir, it has been said that section 153A has long been in force and that these difficulties have not been experienced. There are two reasons. The first reason is that for a considerable period it was not necessary to use the section, although I cannot agree with my Honourable friend that that period is as near the present time as he thinks. That is not so. The second point is that until 1922 Government had the power of confiscation. That power was taken away by the amendment of 1922. Until then we had the power and, therefore, it is only over the period from 1922 to the present day that the difficulty has arisen.

Diwan Bahadur T. Rangachariar : It was taken away with your consent.

The Honourable Sir Alexander Muddiman : On that I was just about to make a few remarks. I have gone through the papers carefully and I have been unable to find anything to show that the Government ever intended this to be one of the powers which should be discontinued. Why effect was not given to that in the debate or why the Government point of view was not supported, I am unable to say at this distance of time. But that it was the deliberate intention of Government to abandon the power I cannot admit on such material as is available to me now. I do not put it higher than that; but that it is a power which should be retained I think is clear. I can understand the attitude of those who say the Government should not have this power at all. They say, "It is a wrong power ; we will not give it !" On the other hand, if you grant the power for two years it means you recognise that that power is necessary as a permanent part of the law because it is a distinct loophole in the law,—you cannot confiscate, as I pointed out in my speech the other day ; you are in fact not implementing section 153A and that I cannot believe was ever the intention of Government. It has been said that we ought not to retain a section of this kind on the Statute-book a day longer than is necessary. Sir, I cannot see that there is anything that justifies one in that conclusion.

The mere fact that a power of this kind is on the Statute-book is in itself a defence. It prevents the offence because it is known that there are powers to deal with it. This is not, as I said before, merely brought forward to deal with the special circumstances which have arisen recently. It is the cumulative effect of the circumstances which have been arising since 1922 to the present day that we have to deal with. No one is more hopeful than I am that with time and the earnest efforts of all parties, this communal tension may be subdued. It may; I hope it will. I hope it will be subdued very soon. If it is subdued what harm will there be in this legislation being on the Statute-book? None, Sir. It will remain as a *dead letter*. However reluctantly, especially as this amendment is well supported in this House, I am forced to reject it.

Mr. President : The question is :

"That section 1 be re-numbered section 1(1) and to that section be added the following sub-section, namely:

'(2) It shall remain in force for two years.'"

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

Diwan Bahadur T. Rangachariar : Sir, we have done our best on this side of the House to see if we cannot improve the measure brought forward by Government. While confessing to a feeling of utter disappointment at the attitude taken by the Government in the matter of the amendment which has just been disposed of, I give my support to this measure and in giving that support I do hope and trust that the Government of India will keep a close watch on the way in which this power is exercised by Local Governments. We have had abundant instances in which Local Governments have misbehaved and if, as I stated yesterday, there is any mistrust in the executive authorities it is because of the way in which this section and others have been abused and misused. There have been observations made by some Members on the floor of this House which rather discourage some of us. I hope the Government will not lend a willing ear to such representations if really such representations are made to apply these sections for any purposes other than those genuinely coming under this section. That is the fear which apparently has been generated by some remarks made here and this word of caution I am bound to give, because otherwise, when we are bent upon putting an end to discord, this may be the very instrument by which the discord may be promoted and accentuated. Sir, I support the measure with these few words.

Khan Bahadur Saiyid Muhammad Ismail (Bihar and Orissa : Nominated Non-Official) : Sir, with your permission,

12 NOON.

I should like to make my position perfectly clear while supporting this Bill, and I crave the indulgence of Government in making certain remarks on this motion, which I consider necessary as the Bill is one which required more detailed and careful consideration before its final passing, but unfortunately that could not be done or was possible owing to pressure of time and the nature of its urgency. I cannot deny the fact that the present deplorable and depressing circumstances in the country demand such a measure. But it would have been better if its details had been more carefully examined. However, in view of the emergency nature of this piece of legislation, I would

most cordially and unhesitatingly support its passing in the hope that it will put an end to the root cause of mischief which is causing trouble in the country and which cannot be allowed to go unchecked any further. The support which I give to this Bill is in my individual capacity as a nominated Member of this Assembly, but I have been requested by our Patna Association, of which I have the honour to be the President, which is a Mussalman organization, to express on their behalf their sense of disapproval of the manner in which this Bill has been rushed through in this Assembly in this short Session. While I support this Bill in my individual capacity, I should like to make it perfectly clear that the remarks which have been made by some of the Mussalman Members of this House dragging in the fear of communal representation, which were quite out of place, are not shared by the majority of the Mussalmans of India. I cannot let this opportunity pass without deprecating as strongly as I possibly can the remarks that were made by one Hindu Member of this House who should remain nameless. He had unnecessarily dragged in the question of communal representation, and that has naturally irritated the feelings of some of the members of the Mussalman community. While, therefore, I give my cordial support to this measure, I must express my strong misgivings, because I know from practical experience as a layman that measures of this character are generally applied not by the judicial officers, but on the report of the subordinate executive. While, therefore, I do give my wholehearted support to this measure, as I have always been giving to Government, I can claim to make a request to them to see particularly that this power is not abused by the subordinate executive. With this observation I support the Bill.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I rise to support the motion moved by my Honourable friend Sir Alexander Muddiman. I do so with a deep sense of regret, because he has not been able to meet us half-way. Sir, I look upon the permanent enactment of this measure as a stigma on the law-abiding character of the Indian people and as a black mark against our political progress. Nevertheless I hope that the Press will carry out loyally the intentions of the law. We are willing to give the fullest co-operation to Government, but I expect on his part that the Honourable Sir Alexander Muddiman will fulfil his own obligations. I trust he will be good enough to issue a circular letter to Local Governments setting out his own proposition in respect of the daily Press. That will fully meet us.

Sir, I should like to say a word about what the Honourable Sir Alexander Muddiman claimed for the district officers and Provincial Governments. All that he said has my hearty support and entire sympathy. I claim also that this House will not withhold the need of praise which is due to the Government of India. I have been in closest touch with the Government of India since the 2nd of April this year, the day of the beginning of the Calcutta riots, and I have never known a more competent body of officials working zealously for the promotion of good-will among the people than the Members of the Government of India, and our thanks are due to them. But at no period of my acquaintance with the Honourable Sir Alexander Muddiman have I missed him so much as during the last three months. If he had been here, perhaps the story of the riots would have been very different.

I now turn to my friend Mr. B. Das who charged the Government with using discrimination against one section of the Press in favour of another. Sir, I happen to be a member of a Committee which deals with press matters in the Government of India, and I can assure him that there is no such discrimination. In fact, on many occasions I had myself suggested discrimination, but it was ruthlessly turned down by the President of that Committee, I mean the Honourable Mr. Crerar. So my friend Mr. Das can be sure that, so far as the Government of India are concerned, there is no such discrimination exercised.

I also gathered that he made an implied insinuation against the British editors in this country. I can assure him that I know every one of the editors of the British Press.....

Mr. B. Das (Orissa Division: Non-Muhammadan) : I know them too.

Mr. K. C. Roy : I am glad that he knows them. But I can assure him that there is no body of men who are more anxious, according to their own light, to promote the cause of the country of their adoption than the editors of the British Press in this country. Sir, I support the motion.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I did not intervene in this debate till now, but I feel that on the third reading there is a very important lesson which the country has to draw from the proceeding of this Assembly at this Session. Sir, in 1924 when the first Session of this Assembly started in Delhi, my Swarajist friends who were in large numbers felt that they could practically control the proceedings of the Assembly, and they went to extremes in some cases as would appear even to them now, and took certain steps which some of us in this House did not approve of. The throwing out of the Budget and the other "tactics"—as they were called—which they employed were opposed by Members who felt that they ought to stand by Government when extreme measures, for which neither the country nor the Assembly were ready, were used by my Swarajist friends. We are now, Sir, at the end of the life of this Assembly. Like my Honourable friend the Home Member, or unlike him, I happened to be away from India for six months. I am one of those who was prevented from being present at the Delhi Session. A good deal of water has flown underneath the bridge during these six months. But the one outstanding lesson which strikes me, as a humble Member of this House, is, that the weaker the Swaraj Party got, weakening the popular side in this House, the stronger and the firmer has been the hand of the Government in whatever measure they bring forward before this House. The Honourable the Home Member, Sir, has admitted that the various appeals made to the Government Benches in this debate have come from quarters whose sincerity, loyalty and level-headedness are above suspicion. Now, Sir, what has he done? He has stood fast. The reason that he gave for rejecting the last amendment was the Bill as drafted by Government can do no harm. As a layman, I was surprised to find such a ground being put forward by a lawyer of the eminence of Sir Alexander Muddiman. Sir, there can be many laws put on the Statute-book which may do no harm, but do the Government put them on the Statute-book for that reason? But, Sir, it is the weakness of the non-official element in this House that has helped the Government to put this measure through without paying heed to suggestions from this

side. What have the Government done to show the slightest consideration not to demands, but to the appeals from various Members on this side which were couched in words which very few could have turned down. After all, what did they want, Sir ? My Honourable friends Diwan Bahadur Rangachariar and Sir Hari Singh Gour and others who spoke on various amendments including my friend Mr. Jinnah said that, if Government thought this measure is necessary, they did not propose to question it. By all means put it on the Statute-book under the special circumstances which Government consider have necessitated this measure, but they hoped, and we all hope, that the special circumstances which necessitate this measure will disappear shortly. But if at the end of say, two years, Government find that this measure needed to be renewed, has any reason been advanced to justify the apprehension that the Assembly will not give it its best consideration ? Well, the Honourable the Home Member welcomed all suggestions made, patted Honourable Members on their backs, gave them very good certificates for being level-headed and sincere, but he stood fast, and added that Government did not propose to budge an inch from the position they had taken up. To my Honourable friends the Muslims, I would only point this out. They have their reasons, Sir, for pressing that this measure should be put on the Statute-book. I may not disagree with them. If I understood my Honourable friends, Pandit Madan Mohan Malaviya and Lala Lajpat Rai, even they did not propose to reject this measure.

The Honourable Sir Alexander Muddiman : I must really appeal to the Honourable Member, through you, Sir, not to make suggestions about the other communities. I do not mind what he says about me for I have a broad back, but I do beg of him not to stir up feelings of that sort.

Sir Purshotamdas Thakurdas : I can assure the Honourable Member that I can very well take care of that aspect of the matter, and, although I always welcome any suggestion from him, I can assure him that I should not have fallen into the trap from which he proposes to guard me. Well, Sir, what did those two Hindu friends of mine do ? Even they accepted the principle of the Bill : but said : "Let us take it to the Select Committee." If in the Select Committee, Pandit Madan Mohan Malaviya or Lala Lajpat Rai had taken up the attitude that the Bill was not necessary, it may have then been for my Muslim friends here to say that they disagreed with any non-official section of the House. I do not wish, Sir,—in fact those in this House who know me will perhaps admit that I would be the last person to strike any discordant note by dwelling on this question of communal differences. If there is anybody in this House whom these communal differences and outbursts make hang their heads down, I, Sir, happen to be one of them. And I have not said a word during the last three years on that question because I am convinced that it is not by legislation, or by discussion on the floor of this House that these differences are going to be settled. The only lesson that I think this debate has is this, that the Government will not give any consideration to the popular side if they find that the popular side are weak in numbers. I cannot help making that statement on the floor of this House and I am very sorry, Sir, that I have to make it. But the elections are coming on shortly. The Home Member and others who smile do not realise that I am not to seek re-election from any electorate where communal differences play any part at all. The smile, therefore, is premature. I am

speaking, Sir, in all gravity and in all seriousness. I do not want Honourable Members to make light of it—if they will please bear with me for a moment. The elections are on, Sir,—are coming on very soon. The country has a sure lesson to take from the debate of to-day. Send in either Swarajists or Responsive Co-operators, send in a Moderate or anybody you like, but for Heaven's sake, let the country send in people that will take a national outlook, people with a sense of self-respect, people who will sink their differences, or settle them between themselves. Let us not be at the mercy of Government. That, Sir, is the lesson of the debate and I feel that it would not be fair to myself or to those whom I represent if I did not mark out this lesson which has to be learned. The Bill may go through the course which the Home Member has chalked out for it for he has got the numbers behind him.

Sir Darcy Lindsay (Bengal : European) : Sir, in according our full support to the Bill about to be passed and which we hope will go a very long way to bring peace in the country between the two great communities, I would like to very briefly comment on what fell from my Honourable friend Sir Purshotamdas's lips. I am perfectly aware that my Honourable friend Sir Alexander Muddiman is quite able to take care of himself but I would like to say that we on this side of the House feel that he went too far. We do not agree that the Honourable the Home Member has taken upon himself to force this measure through and refuse all requests for the fixing of a period because he was well aware of his strength in votes. I may tell the House that after conversation with one or two Members of the opposition I put it to the Honourable the Home Member as to whether it was at all possible for him to meet the wishes for limitation of the period. The explanation that he gave to me against that quite satisfied me that he was adopting the right course in refusing the same.

Another point I would like briefly to mention is the statement made by my Honourable friend Sir Hari Singh Gour. I do not know whether he has put himself up as the spokesman of the European population of India when he states that the Europeans are in unanimous agreement with the views put forward by the journal that he had in his hand. I think the point was that this was a panicky measure. Now, Sir, the whole House on every side are, I think, agreed that this is not a panicky measure. We are all agreed that the measure is necessary. It is merely a question of whether it shall be put on the Statute-book for all time or for a brief period.

Sir Hari Singh Gour : No, that is not the question.

Sir Darcy Lindsay : I wish, Sir, on behalf of my group to absolutely refute the idea that we are in any way in agreement with the views put forward by the journal from which he quoted.

The Honourable Sir Alexander Muddiman : Sir I do not propose to detain the House at this last stage of the Bill for more than a minute or two. I will merely observe that I have suffered for some time from the tyranny of a majority. I begin to think, Sir, the tyranny of a minority may be worse. If I venture to differ from a minority, I am told that I am hard, I am unsympathetic, and that I turn down all non-official suggestions. Sir, the position is a ludicrous one. Am I to have no opinion ? Are the Government of India entitled to have no opinion ? I always, Sir, have endeavoured to meet any wishes of the House which were compatible with the discharge of my duties. It is hard that, because for the moment I happen to have a majority vote behind me and although there are many

non-officials who are convinced by my reasoning and vote with me, I should be charged with the brutal neglect of non-official opinion. I repudiate the suggestion, Sir. The only other observation I have to make is that I do trust that all caution and all care will be used in working this Bill as any other measure. You cannot however legislate to make legislation fool-proof any more than you can make judges incapable of error or financiers incapable of mistakes. It is not possible. One last word, Sir, I should have been glad if my Honourable friend Mr. B. Das had withdrawn his charges in express terms. I understood him to make some kind of explanation but the matter is one that should not be left in doubt.

Mr. President : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be passed."

The motion was adopted.

Monday, 23rd August, 1926.

THE CURRENCY BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I rise to move that the Indian Currency Bill be taken into consideration.

This Bill is the first fruits of the Report of the Royal Commission on Indian Currency. At the outset it is my pleasant duty and my proud privilege to express on behalf of the Government and of the people of India our sincere thanks to the gentlemen who are the joint authors of this Report. Whatever may be our individual views as to details of their recommendations, Indians are a generous race and I am confident that they join with me in expressing heartfelt gratitude to Mr. Hilton Young and his nine colleagues who have to the best of their exceptional talents done India service on this Commission. I know that I shall be voicing the unanimous sentiments of India in conveying to these gentlemen our thanks for the immense labour, the unstinted expenditure of time and energy which they have brought to their task, and their unswerving determination to give of their best with single-hearted devotion to the interests of India. The Report which they have produced is, I believe, the most important contribution to the problem of India's currency which has been made since the Herschell Committee reported in 1893. The report of the Herschell Committee marked the definite end of the monometallic silver standard in India, and the close of the last period during which India had a real currency standard worthy to be called a standard. It is an immense task for a nation of over 300 million souls to pass over the chasm which divides a silver from a gold standard. Since 1893 India has been endeavouring to cross that gulf. In 1893 the silver rupee was the sole legal tender in India and the sole standard of value. After 1893 it ceased to be the standard of value, but as was inevitable in a continent of the extent of India, thickly populated with citizens of every degree of civilization, a sudden break with the past was unthinkable, and the silver rupee, no longer the standard of value and in truth nothing more than an inconvertible note printed on silver, remained the sole or practically the sole legal tender. And it is the preponderance of the silver rupee in the circulation to-day which is still the main obstacle to a further advance. The history of the rupee since 1893 has been chequered and the period of transition to a new currency standard has been a long and at times a vexatious one. If to many of us progress has

often seemed unduly slow and tedious, let us remember always what a gigantic effort was involved in accustoming the peoples of India to a revolutionary change. The fair prospects of the evolution from a silver to a gold standard were rudely checked by the war. The phenomenal rise in the gold value of silver resulted in 1917 and 1918 in a crisis. The authorities of that date—and who of us is entitled to say they were wrong?—rejected the logical but in the circumstances of March 1918 the highly dangerous opportunity which then offered of making the standard based on the over-valued silver rupee once and for all, what in essence it was, into a standard based on a currency convertible internally but convertible into international exchange values at a fixed ratio. The consequence was that for the moment the standard relapsed into the conditions of the period before 1893 and became for the time being once again a monometallic silver standard. When the war was over, there followed the premature attempt in 1920 to re-establish the rupee at a fixed ratio with gold at a time when, as we who are wise after the event can well realise, the hopeless effort was made to stabilise the rupee while India's finances were in disorder, with a war on her frontiers and a budget that was in deficit, and when the currencies of the world were in a state of chaos. That effort failed as it was bound to fail, and it is idle to deny that the result was inevitably to set back the clock of progress in currency matters in India. Nothing remained but to wait on events, and to postpone the task of fixing new moorings for the rupee until world conditions were sufficiently stable to offer a chance of success to any new effort at stabilisation.

May I be permitted at this point to interject a personal note? This was the condition in which I found the rupee when I landed in India at the beginning of 1923. The rupee had broken loose altogether from its moorings and was drifting in an uncharted sea. Neither the Government nor the country had or could have at that date any final policy as to the future of the rupee. The events of 1920 had created an atmosphere of exaggerated suspicion, yet it was obviously impossible, nor did any one venture to recommend it from any quarter, to attempt to restore stability until Indian finances were once again in order and some semblance of stable conditions had been re-established in the currencies of the world. Further, the atmosphere of suspicion made it impossible to contemplate any decisive action being taken in Indian currency matters, except as the outcome of the deliberations of an authoritative enquiry. If Honourable Members will study my public utterances on currency questions since January 1923 they will find that I have never once attempted to defend either the pre-war currency system of India or the system (or rather absence of system) as I found it in 1923. My constant plea has been that the conditions as I found them could not be modified in a definitive way until world conditions offered us a prospect of real finality and until an authoritative Commission or Committee had deliberated and reported. Until then, there was no choice available but to make the best of what we had got, to begin by putting India's public finances in order, and to maintain such stability as was possible in rupee prices. I do not think that history will fail to attribute considerable credit to the management of Indian currency by the Government of India in the years from 1921 to 1926.

All this has been changed by the Report of the Currency Commission. We are now at last in a position to look ahead of us. And just as the Herschell Committee led after five or six years to the definite substitution of a sterling exchange standard, with a stable exchange, in place of the

old monometallic silver standard with a violently fluctuating rupee, so I am convinced will the Hilton Young Commission lead us, in a period of not more than five years, onwards from the transitional exchange standard of the last 30 years to a real gold standard, with gold and not the silver rupee as our standard of value and the basis for our legal tender currency. It is tempting to dwell on the main recommendations of the Commission. They offer India the prospect of a real gold standard, with the currency and banking reserves of the country at last amalgamated under the control of a single authority independent of Government, in undisputed management of India's currency and credit policies and of the Indian money market. They offer India moreover the quickest practicable means of advance, if she so desires, to a gold currency. I do not entirely agree with the Commission's criticisms of the plan for a gold standard with a gold currency, put before the Commission by the Finance Department of the Government of India. It has been called the Blackett plan, and I do not want to disclaim a fair share of the credit for the plan, but in justice to other members of the Finance Department, and particularly to Mr. Denning, the Controller of the Currency, I feel bound to acknowledge publicly that they too deserve a big share of the credit due for the initiation and elaboration of the plan. But I must admit that the risks of the plan, particularly in its effect on the silver market, were formidable, and that I am convinced by the evidence given before the Commission, that in the absence particularly of American collaboration in carrying the plan through, the Commission were right in adopting a more cautious method of progression. The plan they have adopted is in fact not very dissimilar from the Finance Department's plan up to the end of stage one, but they stop short for the time being at that stage and leave it for the future to decide whether it will be desirable to attempt the further advance to a gold currency at some later date.

But I must get back to that part of the Commission's Report which is really germane to the Bill now before us. The Report is unanimous except for a Minute of Dissent by one member of the Commission, and although that Minute of Dissent is a long one, the Report is really unanimous, except on two points. One of these is a major point which reacts on the whole of the rest of the Commission's proposals. I refer to the question of the nature of the Bank to which all agree that the control of the currency and of the reserve should be entrusted. After careful study of the document, I incline to the view that on this point the differences of opinion are not irreconcilable. But the question of the Bank is not under discussion to-day. The other point of difference is one which does not materially affect the main structure of the Commission's proposals, the question whether the gold value of the rupee should be fixed at the equivalent of 1s. 6d. gold or 1s. 4d. gold. This is therefore in the final analysis a minor matter, but it is nevertheless a matter which is of immediate and indeed of vital importance to the interests of India and unlike the question of the Bank it is a matter which is directly under consideration in the Bill before us. This Bill is, as I have said, the first fruits of the Report. It is of course a purely transitional measure, and is intended to have effect only during a short period of years. The big legislative measure which will ultimately result from the Commission's Report will be of vastly greater importance. But the time for considering that big measure has not yet come. We are concerned to-day only with those steps which the Commission recommends for the transitional period.

The major recommendations of the Commission involve details of far-reaching importance, as for example the question of the Reserve Bank, and the question of the convertibility of the notes issued by that Bank not into silver rupees but only into gold bullion, details on which it is neither possible nor desirable for the Government of India to express final conclusions to-day. These are matters which require intensive study by the Government and by the people of India before it would be proper for final conclusions to be formulated. This Bill is intended to be a transitional measure, but it points the way from the pre-war exchange standard to a new gold bullion standard on to which, if India so desires, a gold currency may eventually be grafted, so that the standard would then be a gold currency standard. The gold bullion standard, proposed by the Commission, offers India a currency system in no way inferior and in no essential feature different from the currency systems in force in the great countries of the West, in particular England and the United States of America.

With this preamble I am now ready to ask the House to turn to the specific features of the Bill under consideration. This Bill is introduced directly in accordance with the Commission's recommendations. It is not the final legislative outcome of their Report. I should myself feel some hesitation in advocating the acceptance of an unlimited statutory obligation to maintain exchange within the upper and lower gold points of any fixed ratio, and still more the acceptance of a gold bullion standard, unless I were assured that the control of currency and credit policy and of banking and currency reserves is to be united in one responsible authority other than Government.

And here let me make an appeal to the House and to the country. I am acutely conscious—how could I help it?—of the unhappy atmosphere of suspicion which has surrounded currency controversies in India. I have myself been the victim of this suspicion inherited from a previous period. I deplore it, though I do not think I misunderstand its origins or underrate the cases from which it has sprung. I can only say that since I arrived in India I have striven to my utmost in the advice I have tendered to the Government of India to serve the financial interests of India, and of India alone, to the best of my ability and in the ways which my conscience and judgment have led me to regard as most truly beneficial to India as a whole. I am not conscious of having been guided at any time in any policy I have advocated by any motive other than the desire to serve India. (Applause). The Government of India are perfectly prepared for criticism on the ground that some other line of policy would have been or would be preferable, and ready and anxious at all times to defend and explain the point of view we have adopted, and fully prepared to admit that our critics or opponents are equally sincere in advocating some different policy. All I ask is that the honesty of our intentions, as shown in the policies adopted by the Government, should be accepted by the other side. We are now at the beginning of the discussions of the action to be taken on the Report of a Commission on Currency which I regard as epoch-making. Many obstacles, great and small, will emerge in our path towards our goal of a new and better currency system for India. Let us not conceal our differences, nor hide our divergencies of view-point, in order that we may the more readily and swiftly arrive at those conclusions which will be best for India. But I do earnestly beg for friendly collaboration, untarnished by unworthy suspicions or bitter

If we can but believe in mutual good faith where we honestly differ, we are half way to agreement. The question whether the ratio of the rupee should be 1s. 4d. or 1s. 6d. is a particular point on which irreconcilable differences seem to exist in connection with this Bill. Let us fight the matter out, if we must fight, with whole-hearted pugnacity, but do let us avoid hitting below the belt on either side. (Applause.) Both sides, I am prepared to admit, believe their view to be based on the true interests of India as a whole. I repudiate as utterly baseless the suggestion that 1s. 4d. is an Indian view and 1s. 6d. a non-Indian view. Let us accept this as our starting point and not prejudice the issue by accusations of partiality or of disloyalty to India. This stage is only the beginning. If India is to secure the immense benefits which I believe are derivable from this Report, if the unique opportunity which this Report offers for the crossing of the Rubicon from an exchange standard to a gold standard is not to be let slip, our united efforts are essential. If we dissipate them now in dealing with this initial question of the ratio, our discord may result in the prize being snatched from our grasp.

This Bill is an interim one only. Nevertheless, the provisions of this Bill, when passed into law, will mean a great step forward for India in the matter of currency standard. As pointed out by the Commission in the first paragraphs of their Report, the currency system which was in operation from 1900 until the outbreak of the war, though described as a gold exchange standard system, was not in fact at the most more than a sterling exchange standard. If I may quote the words of the Commission (paragraph 4) :

"The standard thus evolved was commonly known as a gold exchange standard, although in truth, in so far as it amounted to a definite standard at all, it was a standard of sterling exchange."

Since under the stress of the war and of the rise in the price of silver, the rupee broke loose from its moorings and the effort of 1920 to re-establish the standard on the basis of a rupee at 2s. gold broke down, India has in fact had no currency standard at all. I quote the Report again (paragraph 11) :

"The stability of the gold value of the rupee is thus based upon nothing more substantial than a policy of the Government and at present that policy can be found defined under no notification or undertaking by the Government. It has to be implied from the acts of the Government in relating to the currency and those acts are subject to no statutory regulation or control."

Many of the criticisms made by the Commission will be found in my own evidence before that body. Such is the system which has been in force during the whole of my period as Finance Member, and it could not have been otherwise until we were in a position to fasten the rupee once more to its moorings by statutory enactment. It was generally agreed that the fixing of a new ratio must be preceded by an authoritative enquiry, and the present is therefore the earliest opportunity that has arisen for fixation. But this Bill does more than simply fix new moorings at which the rupee may safely be anchored. It proposes to impose for the first time on the currency authority a statutory obligation to maintain the rupee within those moorings—a statutory obligation the absence of which from the old system is a feature which has been severely commented on by the Commission. The most important provisions of this Bill, therefore, are those which propose to place a statutory obligation on the Government of India so long as it remains the currency authority, to buy gold at the

fixed parity of the rupee and to sell gold or gold exchange at their option at the upper and lower gold points corresponding to that fixed parity. These provisions automatically give India what she never had before, namely, a standard securely linked to gold by statutory enactment. It will no more be possible for the currency authority to allow the rate of exchange to vary above or below the gold points mentioned, or in other words, it will no longer be within the power of the currency authority to let exchange stray away from the fixed rate without coming within the mischief of statutory provisions of an Act of the Indian Legislature. In the system as it existed before the war the provision requiring the Government to give currency for gold operated to prevent exchange rising above the fixed rate, but there was no statutory obligation of any kind on the Government to prevent the rupee falling below the fixed rate, and it was entirely at the option of the Government of India and the Secretary of State whether or not they took steps, as for example, by the sale of what were known as Reverse Councils, to prevent the rate falling. Under the new arrangement, once the Bill is passed into law, this will no longer be possible. India will have definitely advanced on to a statutory currency standard, for the first time since the closing of the mints to silver in 1893. The Commission lay great stress on this part of their recommendations in paragraph 166 of the Report where they say that :

" We desire expressly to emphasise that this recommendation as to the transition period is of the essence of our proposals. The Government of India should at once publicly announce its acceptance of the obligation as defined and should fulfil it without variation during the period of transition. We are of opinion that this obligation should be embodied in statutory form."

It is in pursuance of this recommendation—a recommendation for immediate action—that the Government of India now come before the Legislature with a Bill which will embody in statutory form the public announcement already made by the Government of India of its acceptance of the obligation.

The statutory enforcement of this obligation is then the first and main purpose of this Bill, but it is obvious that the Government cannot undertake a statutory obligation to buy gold and to sell gold or gold exchange at the gold points of the accepted gold parity of the rupee unless there is an accepted gold parity fixed by Statute. It is true that there is a Statute at present in existence fixing the gold parity of the rupee at 2s., but that rate has never been operative and, as stated by the Currency Commission, the Government of India have long since publicly abandoned any attempt to restore the 2s. rate. It is therefore necessary to fix the rupee at some new rate, and the rate chosen is 8.47512 grains of gold per rupee, which corresponds to an exchange rate of 1s. 6d. gold. This is the rate recommended by the Royal Commission, subject to a Minute of Dissent by one member. The Government of India agree with the Commission's recommendation. The arguments for and against are fully set out in the Report of the Commission, and the arguments against are supplemented in the Minute of Dissent. I do not propose at this stage to enter into arguments in support of the particular rate adopted in the Bill. Such discussion will come much more conveniently when we are considering the Bill clause by clause. The principle of the Bill, so far as the fixation of the rate of the rupee is concerned, is not dependent on the question what that rate should be. The principle of the Bill is that the time has come when a stable and effective rate should be fixed for the rupee in place of the ineffective rate

of 2s. now on the Statute-book. In short, the principle of the Bill is that the time has come to stabilise exchange by Statute. It is true that there are still some people who are afraid of stabilising the exchange. They have seen the enormous fluctuations to which the exchanges of the world have been exposed in the last 10 years, the widespread economic confusion of the war and post-war period and the immense fluctuations in prices, and they are alarmed lest by once more anchoring the rupee India may be exposed to perils owing to economic disturbances in other countries. The Commission have examined this point in paragraphs 168 to 173 of their Report and have come definitely to the conclusion that:

"There is not in our opinion any event in the foreseeable future which would be likely to make conditions more favourable for the purpose of stabilisation than they are at present and the outcome of which ought therefore to be awaited, and we are in consequence of opinion that stabilisation should be effected forthwith."

In paragraph 171 they say:

"A stable exchange is an inestimable boon and it should not be sacrificed or postponed for the sake of a security that is so absolute as to be unobtainable in the practical world."

I do not think many people will question the wisdom of this conclusion. The cry all over India is for stability and the sooner we finally fix the rate of exchange of the rupee the better chance is there for improved economic conditions all over India, for agriculture, for industry, for commerce. The substitution of certainty for uncertainty will be welcomed by everyone and cannot fail to bring economic and social benefit to the country as a whole. Instability inevitably brings undeserved losses upon the people of a country and it is only the speculator and the profiteer who can gain thereby, at the expense of both the producer and the consumer. As I have already said, I do not propose to pursue the question of the rate further at this stage and argue the reasons for preferring 1s. 6d. to any other rate. The only point which I make is that stability of the rupee ensured by Statute is desirable and desirable at once.

I have now dealt with the two points of principle which arise on this Bill and on which Honourable Members will be called upon to vote when the question is put that the Bill be taken into consideration. The first point is that the rate of exchange for the rupee should be fixed by Statute and its maintenance at that fixed rate ensured by the imposition of a statutory obligation on the currency authority to maintain it within the gold points, and that it should no longer be at the option of the currency authority, as it was in the past, to let it fall below the lower gold point. The second point is that the time has come for fixing, in place of the present ineffective rate of 2s. contained in the Statute passed in 1920, a new rate which will be at once statutory and effective. Everything else in this Bill is subsidiary and will be better dealt with when we come to the clauses.

It may, however, be useful if I explain the clauses very shortly at this stage. They are obviously very technical in form, but they are really very simple in substance. Under the Indian Paper Currency Act, 1923, the rupee is valued at 11.30016 grains of gold, which corresponds to a rate of exchange of 2s. for the rupee. This figure is altered by clauses 2 and 3 of the Bill to 8.47512 grains of gold per rupee, that is, the amount of gold corresponding to an exchange rate of 1s. 6d. In the second place, under the Indian Coinage Act, 1906, and the Indian Paper Currency Act, 1923, the sovereign and the half-sovereign are legal tender at the rate of Rs. 10 for one sovereign. The Bill now before us proposes in clauses 2 and 3 to

take away the legal tender character of the sovereign and half-sovereign in India altogether. It may be asked why do you take away the legal tender character, why not simply make the sovereign legal tender at the rate of Rs. 13.3 per sovereign instead of Rs. 10 at present? The answer to this question is contained in paragraphs 65 and 66 of the Report of the Commission. The obligation to sell gold bars for all purposes which is the essential feature of the gold bullion standard which they recommend, makes it impossible to have any gold coin as legal tender without risking the stability of the new system which they recommend. In order to stabilise the rupee at the new ratio it is necessary to alter all those sections in the existing Acts which fix the ratio at 2s. It is clearly impossible, therefore, to leave these sections as they stand. You cannot at the same time lay down by Statute that the rupee shall be legal tender at 8.47512 grains of gold per rupee and leave in the Statute-book a section which says that the sovereign shall be legal tender in India at a rate based on the equivalent of 11.30016 grains of gold per rupee. The existing sections obviously cannot be left as they stand. The recommendation of the Commission is that the sovereign and the half-sovereign should be demonetised in order to enable the new gold bullion standard which they recommend to be brought into force. It would therefore be clearly contrary to the recommendations of the Commission if in the legislation now before us we were to make the sovereign and the half-sovereign legal tender at a new rate. I observe that in the Minute of Dissent, paragraph 53, Sir Purshotamdas Thakurdas states that he is unable to appreciate the necessity for the demonetisation of the sovereign, but he goes on to say that as nine of his colleagues are convinced of the necessity as essential to the establishment of the gold bullion standard, he is prepared to view with diffidence his inability to see eye to eye with them and does not press his objections beyond recording his own opinion. When we come to the clauses I hope that I shall be able to satisfy him and the House that the recommendation is a necessary one. For the present I content myself with showing that it was necessary to include in this Bill provisions withdrawing the present statutory valuation of the sovereign as the equivalent of Rs. 10 and that these provisions are an essential part of the action required in order to establish a new ratio for the rupee. In voting that the Bill be taken into consideration the House will not be prejudging their action on the clauses in any way. I have now explained clauses 2 and 3 of the Bill. It is in these clauses that provision is made for fixing a new ratio for the rupee.

Clauses 4 and 5 provide for the imposition of a statutory obligation on the currency authority to maintain the rupee at the new ratio by buying gold at the fixed rate corresponding to the new ratio, and by selling gold or gold exchange at their option to anybody who demands it in amounts of not less than 400 oz. fine in the case of gold or the equivalent in case of gold exchange, thereby ensuring that exchange will not fall below the lower gold point. Here again the provisions are of a very technical character and it will be best to leave their detailed examination till we come to take those clauses into consideration. There is nothing else in the Bill except one small point where, as explained in the Statement of Objects and Reasons, the opportunity has been taken to mend a very minor hole in the Currency Acts. I need not dwell on that now.

In order to avoid unnecessary duplication of debate, I have purposely refrained in moving the second reading from arguing the case for the

particular ratio of 1s. 6d. which this Bill proposes to fix. That question is not, I think, strictly relevant to the debate on the second reading, since the principle of the Bill is not that the ratio should be fixed at any particular figure but that the time has come for fixing it. There is, however, one criticism which I have heard in various quarters on which I must say a word or two, and in connection with which the question of the exact ratio is important. The Government have been accused of precipitancy in bringing this Bill before the Legislature this Session so soon after the issue of the Report. As against this I am glad to be able to record that it has been recognised in quarters which are not usually on the side of the Government, that the Government are to be congratulated on giving the Assembly the earliest possible opportunity of considering the question. It is I think a sufficient answer to those who accuse us of precipitancy to ask them what they would have said of us if we had refrained from bringing this Bill forward now and had waited till the next Delhi Session. We have been unjustly accused in the Minute of Dissent of deliberately presenting the Commission and India with a *fait accompli*. I am fully prepared to defend the Government against this accusation when we come to the clauses in which the fixing of the ratio of 1s. 6d. is embodied. Members will, if they care to do so, find the full explanation of how the *de facto* rate came into being in my evidence before the Commission. I do not deal further with that point here. My object is to explain how impossible it was for us not to bring this Bill forward now in this Session. Even the author of the Minute of Dissent admits categorically, in unanimity with the Commission as a whole (paragraph 177) that if prices in India have to a preponderating degree adjusted themselves to the 1s. 6d. ratio, that rate must be adhered to. I do not myself think that there is any valid argument to-day in favour of any other ratio, but the author of the Minute of Dissent maintains that prices have not yet adjusted themselves to 1s. 6d. and that therefore it is not too late to adopt his pet figure of 1s. 4d. Now it was clearly incumbent on the Government as soon as the Report issued to prevent wild fluctuations and unhealthy speculation in exchange by announcing what their view was in regard to the ratio and their intention of maintaining the rupee at that ratio in the interval between publication and the carrying of legislation. What would have been said of us if we had deliberately ignored, flouted, insulted the Legislature? I can hear the torrent of accusation gathering force and rolling forth in the House and in the Press if we had quietly expressed our intention to maintain the ratio of 1s. 6d. without asking for any expression of opinion from the Legislature from August to February. It was clearly unthinkable that we should do otherwise than we have done. We were bound to bring the matter before the Legislature at once as we are now doing. Further, the Bill we are promoting is promoted in direct accordance with the very strong recommendation of the Commission that we should take interim action on these lines forthwith. Finally, is it not obviously in the interests of India that the market should not remain in uncertainty a moment longer than necessary, that the busy season ahead of us should not be hampered by hesitations and doubts and an instability that was no longer unavoidable? Whatever may be said of the particular manner in which the Bill proposes to settle the question, it is an injustice to the Government to accuse them of acting in a precipitate manner, contrary to Indian interests and in violation of public wishes. I recognise that the time available since the issue of the Report has not been as long as many Honourable Members would have desired. The Government themselves would have found it

more convenient to have had greater leisure for framing their decisions and considering their procedure. They would have been glad to give time for the merits of this excellent Report to win it the universal support it deserves and will surely earn as time goes on. They would have been glad to have been able to come before the Legislature with a complete statement of their views on the Commission's recommendations as a whole and thus to have avoided the accusation of piecemeal legislation. We have done what we could to minimise the inconvenience for the public and for Members of the Legislature by arranging for the Bill to be printed in the Gazette on the 7th August. The text of the Bill has thereby been made available for consideration nearly a fortnight earlier than would otherwise have been the case, but if some little inconvenience has been unavoidable, it is due to circumstances which were entirely beyond the control of the Government. Once the Report was issued, no option remained for the Government but to announce that, pending consultation with the Legislature, they would maintain the ratio at 1s. 6d., and once they had made this announcement, it was essential that the interval before consultation took place should be as short as could reasonably be arranged. It is true that with a good monsoon exchange is now shewing strength and that during the next six months any action by the Government to maintain exchange is likely to take the form of action to prevent its rising above 1s. 6 $\frac{3}{16}$ d. as in 1924 and 1925, and that a fall is unlikely so that no question of the sale of sterling is expected to arise during that period. But we cannot leave the market indefinitely with the threat hanging over it that suddenly the ratio may be altered overnight from 1s. 6d. to 1s. 4d. as the result of a vote in the Assembly. This is a very serious threat for all those who have business transactions dependent on the rate of exchange. It is not a gentle and imperceptible change from 1s. 6d. to 1s. 4d. which has to be envisaged, but a sudden and catastrophic fall. Clearly the Government had no option but to bring the subject at once before the Legislature and offer them the opportunity of considering it without delay, if they so desired.

Some of the amendments to this motion which appear on the order paper involve postponement of the Bill till another Session. I need not at this stage anticipate what the Government attitude will be to those amendments, beyond saying that the Government fully recognise the strength of the desire in various quarters of the House to secure ample time for a considered judgment.

I revert then to the main question. Three questions are before us for decision at this stage. Do the House think that the time has come to stabilise the rupee at a ratio which will at once be statutory and effective; do they wish to impose a statutory obligation, never before imposed, on the currency authority to maintain the ratio thus fixed in all circumstances; and do they wish immediate legislative action to be taken in advance of the consideration of the other recommendations in the Report? It is the unanimous recommendation of the Currency Commission that these steps should be taken. I commend the Bill to the House.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muham-

madan Urban) : Sir, it is with great diffidence that I

3 P.M. rise to speak on the motion which has just been made by my Honourable friend, Sir Basil Blackett. Let me begin by moving the motion which stands in my name, that the Bill be circulated for the

purpose of eliciting opinions thereon. I am perfectly alive to the urgency of the measure now before this House ; and notwithstanding that knowledge I feel we will be failing in our duty if we proceed to a full and detailed consideration of this important measure at this stage. Before I proceed to detail the reasons which influence me in making this motion, let me in the first place join the Honourable the Finance Member in paying a tribute of praise and congratulation to the Members of this Commission. They began their work unfortunately in an atmosphere of prejudice, and, having regard to the very abstruse nature of the subject and the difficulties surrounding it, we cannot but admire the able and lucid Report which they have presented to us. I for my part am prepared to give them full credit for their honesty of purpose, and I am also quite prepared to believe that in making the recommendations they have made they are endeavouring their best to serve the interests of India primarily. At the same time I must also say a word as regards the Finance Department of the Government of India. Having read the materials which they placed before the Commission, I am struck with the ability which they have displayed and the impartiality which they have shown in placing all the materials before the Commission.

This country, Sir, has long been hankering after a gold currency, and notwithstanding perhaps the adverse attitude which persons at home may take to such a proposal the Government of India, with their eye solely on the interests of India, have had the courage to put forward that proposal before the Commission, and they have not hesitated to support it with arguments in great detail. Sir, I am sure we must acknowledge the great ability which the Honourable the Finance Member has shown during the last four years of his career in India. He has pulled up the credit of this country. The financial credit of this country is something unprecedented, when once we remember the great struggle we had with our financial questions. The great success which has attended his efforts in raising loans at such cheap rates of interest is a marked testimony to his capacity and ability. Sir, we all have our biases, intellectual or otherwise ; and I am sure the Honourable the Finance Member is not free from that bias which is a human weakness. I am myself alive to the bias which I have in this matter which affects my country so deeply. If I were to be influenced by my own self-interest I should jump at once at the Report of my Honourable friend, Sir Purshotamdas Thakurdas, for his proposal would benefit me individually, since I am a producer and I produce more than enough for me and I sell a lot, and, therefore, high prices are bound to benefit me personally. But at the same time, Sir, we have to look to the interests of the country at large, and that is a question which is beset with considerable difficulties. I must confess—I do not know how other Honourable Members are situated in this matter—that I am at sea when I read this Report. I have read it twice ; I have read it thrice. (*An Honourable Member : "Read it again".*) My Honourable friend says "Read it again", and that is the very reason why I have come forward with this proposal that the subject should be considered in an atmosphere free from the heat of the moment and in a calm and cool manner. Sir, the time for considering this Report has been rather unfortunate. Immediately on the publication of this Report an atmosphere of prejudice has been worked up to fever heat. That is hardly the way in which you can deal with such an important subject like this. We have had warnings as to how we can make mistakes in a matter like this. Although the

Legislature was not to blame on that occasion, still the Government were to blame in having rushed to take action on the Report of the 1919 Committee in the way they did and having brought all that loss to this country. But it is hardly necessary to refer to it in detail. Once bit twice shy. Therefore, however great the eminent men who have sat on this Commission may be, as we, the Legislature, are asked to impose a statutory obligation on the Executive Government of this country to maintain a particular ratio, it is our duty as the representatives of the people to give our best judgment upon this matter. I do claim, Sir, that we have not had that opportunity to consider the voluminous materials which this Committee have gathered in the investigations that they have made. I can say only that I have read or rather glanced through the evidence of at the most half a dozen witnesses. I must say I read Sir Basil Blackett's evidence before the Commission. I also read Professor Jevons' evidence and the evidence of a few other witnesses ; but we have hardly had time to go through the mass of evidence contained in the four volumes of oral evidence and the appendices. They throw great light on the question—perhaps it would be very difficult to rise from a perusal of them with any accurate information—and probably we may be worse off after having read them and perhaps our instinctive preference may lead us to right conclusions ; but that is hardly the right way to do it. We must try our best. I have in my professional capacity handled engineering problems and medical problems; but, Sir, currency and exchange problems are beyond me ; and I think they are beyond almost every Honourable Member of this House. It does not matter in ordinary matters, but when experts make mistakes on currency and exchange, I am afraid the millions of this country are bound to suffer. So we are bound to proceed with caution in a matter like this. There are many hidden avenues in this problem ; we have got hidden taxation concealed somewhere ; we have got hidden protection concealed somewhere ; we have got hidden bounties concealed somewhere. It is very difficult to take the straight path. We are bound to tread upon the toes of our neighbours if we make a careless movement one way or the other. You have the producer on the one side and you have the consumer on the other ; you have the creditor on the one side and you have the debtor on the other ; you have the employer and capitalist on one side and the wage-earner on the other. And above all, Sir, we have the taxpayer to take into consideration. How the decision one way or the other will affect these various peoples and factors is a matter of which we can honestly say that we cannot precipitately come to a proper and sound conclusion.

Sir, the Honourable the Finance Member has told us that there are only two principles which underlie this Bill or rather he has led us to infer that the particular ratio which you may have to fix is not so important as the principles which underlie the Bill, namely, is this the time for stabilising the rupee and is the Legislature prepared to impose a statutory obligation on the Government ? I quite admit they are the principles underlying the Bill. But how are we to come to a decision on that point unless we are also prepared to say what that ratio is ? Is it enough to say : " Yes, the time has come ; yes, the statutory obligation may be imposed ? " But what is that obligation which is going to be imposed ? That is the most material point from my point of view in any proposals on the subject. What is the good of merely stating the general proposition without our being in a position to say what that ratio should be ? Sir, I have implicit faith in Sir Basil Blackett. But I am also aware that many of my country-

men feel differently in the matter. They think that 1s. 4d. is the proper ratio to fix in the interests of the country. Sir Basil Blackett thinks that 1s. 6d. is the proper ratio to be fixed. And how are we to decide the question? We have to decide. We cannot accept their word without applying our own judgment. If it were open to me to take a back-bencher's place, either on the Government side or the Swarajist side, I would perhaps be relieved from that unpleasant duty which I have imposed upon myself. I would follow my leader implicitly just as the Government back-benchers follow Sir Basil Blackett implicitly. Unfortunately, I have to come to a conclusion myself and it is in attempting that that I find the difficulties which face me. Sir, I think we can all agree with that unanimous verdict of the Commission when they say that we all unanimously hold the view (and I think it is a proposition which it would be difficult to controvert) that, if it can be shown that prices have to a preponderating degree adjusted themselves to the existing *de facto* rate, then that rate must be adhered to. I do not think, Sir, although I have seen criticisms of that statement from the Calcutta Chamber, that they do not accept that proposition. I do not see how we can escape from that proposition. The question is: has that *de facto* rate been established; has it been established naturally or has it been maintained by artificial means? These are the questions which we have to ask ourselves. How are we to satisfy ourselves in this matter? The Commission is satisfied, or rather the majority of the Commission are satisfied that that rate is the *de facto* rate and that there is not much artificiality about it. I think I am doing justice to them in stating their conclusion in that manner, that there is not very much artificiality in bringing about that rate and that it is the *de facto* rate. But, Sir, that is a matter on which perhaps people interested in the daily commerce of this country, in the daily trade of this country perhaps should be given an opportunity of either endorsing that opinion of the Commission or of differing from it. I am sure the many Chambers of Commerce, both Indian and European, would like to have an opportunity to pit their experience in the matter and see whether really the *de facto* rate has been established. I have seen criticisms—I do not vouch for their correctness—that the internal prices have to be taken into account in considering this question, and the internal retail prices have not been taken into account by the Commission in coming to a conclusion on that point. Whether that conclusion is right and just is a matter which can only be examined—or rather we can come to a judgment on that criticism only if we have given an opportunity to the merchants and traders of this country to consider the Report carefully and give their verdict in this matter. And again, Sir, for instance, on the question of wages for labour the Commission are not very definite, whereas on the question of adjustment of prices the Commission have come perhaps to a satisfactory conclusion. On the question of the adjustment of wages of labourers they give only a negative verdict. It is not a positive verdict. I do not know whether it is a professional method of giving a verdict on a matter like that. All that they say in paragraph 193 is:

"On the whole, we see no reason to believe that there is any general mal-adjustment of agricultural wages."

Well, that is not a very satisfactory conclusion for us to go upon, to say we shall accept it and accept the fixed ratio at 1s. 6d. as they recommend, because it is all-important. Agriculture is the backbone of this country. Nearly 70 per cent. of the population depend upon it and if really it is

going to have an adverse effect on this class and if they have not adjusted themselves to this *de facto* rate, then I think it is time that we should consider that question very carefully. And so, similarly, there are many points I dare say which persons better acquainted with the subject will be able to fix their attention upon and give us the benefit of their advice. I do not at all blame the Government, Sir, for bringing forward this measure. On the other hand, I quite agree it was their duty to bring up this Bill to this House before it is dissolved. It has elicited public attention, it has riveted public attention on this important Report of this Commission. You have aroused public attention. You have aroused intelligent criticism on this subject and, having regard to the action which it is still open to Government to take to maintain the ratio, not to allow it to go up beyond a certain stage or to go down beyond a certain stage, that power is still there, it is not in any way curtailed; no great harm will be done by our not passing this measure at once. There will be no violent fluctuations because, still the Government have got the executive power which they propose to exercise and which by this motion we allow that they exercise, for otherwise fluctuations may take place. But there is this note of warning which perhaps as a layman and as a man in the street I may venture to give. I venture to give the advice on the authority of Sir Stanley Reed, whose evidence before the Commission I read with great care. He rather deplores the fact that the Government took the action it did in April of this year in offering to sell Reverse Council Bills when there was a downward tendency. He wished that, if really there was a real downward tendency, it should have been allowed to play its part and this artificial method of keeping it up should not have been adopted, for really you cannot come to a satisfactory conclusion as to what is a *de facto* rate if really artificial means were resorted to during the time the Commission was sitting. Well, I think there is a great deal of force in that criticism. Although the Commission seem to ignore that criticism, I rather think, Sir, it was a pity the Government did it. The *de facto* rate would have been satisfactorily established if really that action had not been taken. I am sure the Honourable the Finance Member was right when in 1924 he anticipated that the ratio is not going to be 1s. 4d. but going to be 1s. 6d. I agree with him perhaps in his estimate of the probabilities of the case, because events seemed to tend in that direction. But can he say distinctly that the events have tended in that direction? Unless we are satisfied about that point—I daresay the Honourable the Finance Member is satisfied about it—having regard to the great divergence of opinion on a matter like that, would any great harm be done by our delaying the consideration of this measure till the next Session? By then I am sure prices also will give ample proof that they have adjusted themselves to this 1s. 6d. ratio. It will therefore be additional evidence in favour of the Commission's recommendation. We will gain some experience. Notwithstanding the uncertainty created by the introduction of this Bill and other things, if the market shows that tendency, and if, in the meanwhile, prices also show that tendency, that will be additional evidence in support of the Commission's recommendation. Therefore, Sir, I think that this is a matter in which some time should be given to us to consider this question. Let us have time to peruse this valuable Report and study it and understand it. Although some of us may not be here, I am sure most of us who are present here will be returned to the next Session. I myself do not expect to be here, (*Voice*: "Oh!") but that is another question. At the same time, Sir, I think the country expects

its representatives to study this most important question in all its details because it is a matter of great importance. This is the first time, as the Honourable the Finance Member has told us, that a statutory obligation is to be imposed upon the Executive Government of creating a particular ratio. If they do it of their own accord we do not mind it, because they are well-informed. If Sir Basil Blackett comes to the conclusion that this is the right solution to adopt, he is best fitted to do it. But so long as he asks us for our approval to this ratio, we must plead for more time to consider this question in order to give our deliberate verdict.

I have got one more reason in support of the position which I have taken up to-day, and that is this. In paragraph 167 the Commission point out :

" We desire to emphasise that our recommendations in the preceding sections of this Report should be regarded as a comprehensive whole and that modifications of any of their integral parts involve the danger of destroying their balance and preventing the efficient and smooth working of the whole."

The above sections include 166 on which action is proposed to be taken by this Bill. Now, what is the effect of this Bill ? As the Honourable the Finance Member has pointed out, he has taken hold of perhaps the least important portion of the recommendations of the Commission for legislative action. He is right in doing that. But at the same time would it not be better that the whole thing should be considered together ? What we have now is the gold exchange standard. With the gold exchange standard the Honourable the Finance Member asks the Legislature to impose the legal obligation upon the Government of maintaining a particular ratio, whereas the recommendation of the Commission is that that statutory obligation should be imposed with a gold bullion standard. I see nowhere—I am subject to correction—any recommendation that this piece-meal action should be taken in the first instance before the Government have come to a decision on the two other main recommendations of theirs, namely, the transference of the authority of the Executive Government to a Central Bank controlling exchange and currency and secondly a gold bullion standard. The Honourable the Finance Member described this as a transitory measure. Transitory to what ? Have you decided upon where you are going in order to make this transit ? You have left that undecided. You still maintain the gold exchange standard. The Government say that they have had no time to consider that important recommendation. They recognise in their press communiqué that the Government and the public should have time to consider these two important recommendations. That being so, how can you consider this transitory measure before you decide where you are going to (Hear, hear), where you are transiting to ? Let us know it. I do consider, Sir, that this recommendation of the Royal Commission, which has been taken out of its place in this Bill, is part of the main recommendation on these two items. It is transitory to those two recommendations, namely, a Bank which will control currency and exchange and secondly the gold bullion standard. Let us first of all determine upon that before we impose this transitory measure. In the meanwhile, by all means let the Executive Government go on exercising their executive power in the way they have done. They have done it wisely. We have no reason to grumble. We have no reason to quarrel with the way in

which the Finance Department have handled our currency and exchange in the last few years. (*Mr. T. C. Goswami* : "Question".) However much you may question, I have nothing but admiration for the way in which the Finance Department have handled the exchange and currency of this country during the last four years. I know where I was in 1921. I know where I was in 1922 when we had to deal with the Budget. (*Mr. Jamnadas M. Mehta* : "Where are you now ?") I know where I am now. (Laughter.) I do think, Sir, that the thanks of the country are due to the Finance Department. Nobody can deny that. Any one who has followed the financial crises of this country cannot but be struck with the ability with which the finances have been handled, but that is another question. However much I may give credit to my Honourable friend Sir Basil Blackett, I am not prepared to place implicit faith in his judgment in a matter of this sort. (Hear, hear). For, as I said already, he is also liable to bias. There is likely to be bias because every non-Indian in this country benefits by 1s. 6d. When he remits his surplus, his savings, he benefits thereby. 1s. 6d. is a profit to him.

The Honourable Sir Basil Blackett : No.

Diwan Bahadur T. Rangachariar : Every non-Indian manufacturer benefits thereby. It is a profit to him.

The Honourable Sir Basil Blackett : No.

Diwan Bahadur T. Rangachariar : My Honourable friend may deny it ; but that is my impression—my conviction rather. I have a bias in favour of my own country. So, my Honourable friend Sir Basil Blackett must have a patriotic bias in favour of his own country. But I do not say that I flout his judgment. I want to examine that judgment for myself. I want opportunities for considering that judgment. I want the country to have an opportunity of considering that judgment. So, Sir, I move this motion :

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The Honourable Sir Alexander Muddiman (Home Member) : Sir, if I intervene rather prematurely in this debate it is with the object, if possible, of saving the time of the House by indicating very briefly the view which the Government take of the motion so ably made by my Honourable friend. Before I proceed to say anything further, let me remark that from the speech he has just delivered there arises some doubt as to the necessity of the motion because he appears to have studied the Report with considerable skill, if I may say so. The position, as was stated by the Honourable the Finance Member, is that it was the obvious and imperative duty of the Government to bring this measure in for the reasons that he gave the House, and I understand that my Honourable friend (Diwan Bahadur T. Rangachariar) also takes that view. His case in a nutshell is very simple. His speech is really nothing more than a plea for time. He says he has not had time to read this valuable Report and the connected documents and that other Honourable Members also have not had time. He desires to study them even more fully than he has already done. I gather that my Honourable friend is rather rash by nature, for in the course of his speech he said, unless I misunderstood him, that at one time he engaged in medical practice. (Laughter.) Well, Sir, my Honourable friend might have told us what happened to his patients !

Diwan Bahadur T. Rangachariar : I said that I study and understand medical matters in order to cross-examine witnesses.

The Honourable Sir Alexander Muddiman : I beg my Honourable friend's pardon. But it at any rate indicates that he is naturally inclined to be rash in his actions, and, therefore, the fact that he feels that this is a subject which must be approached with great deliberation must weigh very much with me, knowing his natural tendency to take risks. The Government most certainly have no wish to thrust this Report down the throat of an unwilling House. They do not desire that Members should be deprived of an opportunity of discussing a document which I think my Honourable friend rightly designated as epoch-making—a document which will undoubtedly have the greatest influence on the future financial policy of this country for a long term of years. Without delaying the House further, I will say in a word that, if there is on the part of this House any general desire that the motion moved by my Honourable friend should be given effect to, the Government will not oppose it and indeed will support it.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I congratulate the Government upon realizing the necessity of supporting the amendment of my Honourable friend for the circulation of this Bill for opinions. Sir, I cannot follow the various reasons which the Honourable Mover gave in support of his amendment. I think, having regard to his admiration for Sir Basil Blackett, he quickly followed his advice and showed wholehearted pugnacity. But I want to make the position clear as far as we are concerned. I am glad, as I said, that the Government have recognized the necessity of accepting and supporting this motion. Sir Basil Blackett, the Finance Member, said that the Government were bound to come to this House at the earliest opportunity. Instead of continuing the policy underlying the recommendations of the Royal Commission by administrative measures or executive measures, they thought that they would at the first opportunity come straight to this House and get the decision of this House. But at the same time he himself recognized and admitted that at this moment the Government of India are not prepared to announce their decision with regard to the entire recommendations of this Commission which in the words of the Commission are absolutely interdependent. They say:

"In conclusion we desire to emphasise that our recommendations in the preceding sections of this report should be regarded as a comprehensive whole and that modifications, if any, of their integral parts involve the danger of destroying their balance and so preventing the efficiency and smooth working of the whole."

Now, Sir Basil Blackett admitted, speaking on behalf of the Government of India, that he was not in a position to declare the policy of the Government beyond the Bill. On the contrary he said that he could not and had no authority to announce decisions on any other recommendations of the Commission except those embodied in the Bill which is now before the House. Naturally the question arises as to why the Government of India are not in a position to announce their decision. The answer is obvious, that the India Office and Whitehall have not yet made up their mind, and so the subordinate branch of the administration in India cannot possibly say anything more than what their masters permit, and hence this Bill, which is admittedly piecemeal legislation. Yet I am surprised to find that we are asked to give our decision on this particular point. Now, Sir, apart from the other

question with which I am going to deal, is that fair to the Government of India or is it fair to this House ? Apart from the question whether this House decides upon 1s. 6d. or 1s. 4d., what is the attitude of the Government with regard to the other recommendations of this Royal Commission ? They themselves are not ready. Therefore it is obvious that this Bill cannot really be discussed under these circumstances. The other reasons I do not wish to repeat, but I must say that I do not agree with my Honourable friend the Mover that there is not a single Member on this side who is competent to speak regarding this question. I think we have got some Members who are capable of discussing this question, and capable of putting before us materials which will enable some of us, who are more or less in the position of laymen, to concentrate our minds on the questions, and we may also be able to come to a sound judgment if we patiently study this question and proper time is given. But we find that this Report was published on the 4th August, and, as regards the volumes of appendices and evidence, they were published a few days ago. I did not bring these volumes with me because I anticipated that this matter would probably be adjourned, but I can assure you there would not have been room in my rickshaw to carry them. They run to something like 2,000 pages. Well, do you expect the Members of this House within a few days to go through all those materials and form an intelligent judgment ? (*Mr. K. Ahmed : "Hear, hear."*) Sir, when I put the question to Sir Basil Blackett the other day as to how long it would take an ordinary man to go through those papers, he replied that I could judge for myself when I had seen them. Well, Sir, our Finance Minister is a superman. I, as an ordinary man, can assure him and this House that it will certainly take a very very long time, and I think that if the Honourable Members are ready to discuss it by January next I should congratulate this House. Therefore, Sir, I am very glad that the Government have accepted this motion and are prepared to support it ; and so there is an end of it.

Mr. President : The original question was :

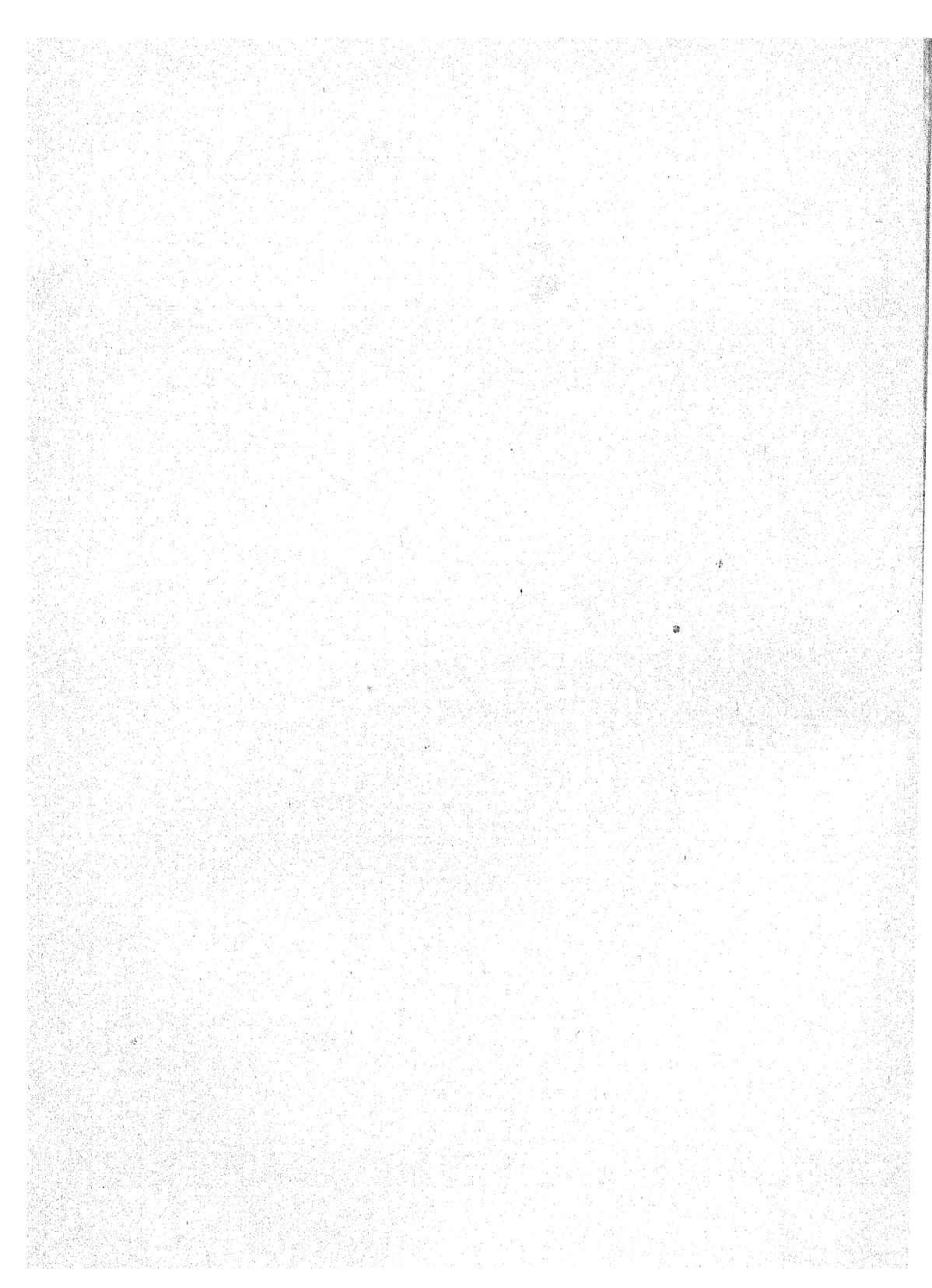
"That the Bill further to amend the Indian Coinage Act, 1906, and the Indian Paper Currency Act, 1923, for certain purposes and to lay upon the Governor General in Council certain obligations in regard to the purchase of gold and the sale of gold or gold exchange, be taken into consideration."

Since which the following amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is that that amendment be made.

The motion was adopted.



PART II.

Extracts from selected speeches delivered in the Council of State.

Monday, 23rd August, 1926.

RESOLUTION RE INDIAN BANKING.

THE HONOURABLE THE PRESIDENT: The Council will now resume discussion of the Resolution* on the paper which was moved by the Honourable Sir Ebrahim Haroon Jaffer on the 10th March last.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. President, I was absent from India for some months and returned to Simla yesterday. It was only late in the afternoon that I discovered that this Resolution, moved on March 10th during the Delhi Session, was adjourned and that the discussion on it was to take place to-day. I mention this because I had some notes and other facts and figures with me which, unfortunately, are not available at the moment of speaking, and which if I had with me would perhaps have enabled me to convince the House still more in favour of the Resolution. My Honourable friend's Resolution asks for an enquiry into the question of the desirability of legislation with a view to placing Indian banking on a sound footing. This might imply that perhaps Indian banking at present is not on a sound footing and requires to be put on a sound footing; or perhaps the Honourable Mover means that it is on a sound footing but requires to be put on a sounder footing. I am sure every Member of this House will agree with him in that desire of his.

No one will dispute the point that it is the bounden duty of every Government to see that investors of monies in banking institutions and such banking institutions themselves are protected by law as best possible by those Governments; and I venture to submit that nowhere throughout the British Empire is more attention paid to this subject than in the Dominion of Canada. In Canada they regard investments made in banks, as well as insurance premiums paid to insurance companies, as monies which belong very largely to the middle classes, and that consequently Government should take the greatest possible care in regard to such funds. In fact, they boast in Canada that since the introduction of the insurance legislation not a dollar has been lost in insurance business, and in the new insurance legislation that this Government will soon adopt, as also in any new banking legislation which we may hereafter propose to adopt, I think the Government of India will do well to follow the lines of the legislations adopted in that Dominion.

Honourable Members of this House must remember the fate which befell several indigenous banks in the year 1913. Previous to that there were

* *Vide pp. 458-466 of Council of State Debates, Vol. VII, Nos. 1-23.*

several provident funds which grew up like mushrooms and Government introduced legislation whereby all these have been removed and insurance business is carried on on better lines. If similar legislation had been introduced in regard to banking, I hold that those Indian banks which failed in 1913 would not have failed; but perhaps if the legislation was stricter several of them would not even have come into existence at all.

The failures of 1913 have given Indian banking such a terrible setback that it will be no exaggeration to say that we have not yet recovered from it. It is no use now crying over spilt milk, and the best course to adopt is to see that Indian banking does progress and progress on right lines with the help of right legislation.

Banking on Western lines in this country is certainly in its infancy but I will not say that banking generally is in its infancy in this country, and I quite agree with the remarks which were made by my Honourable friend Mr. Manmohandas Ramji, when this Resolution was discussed on the floor of this House on the 10th of March last, that perhaps India and Indians knew more about banking and long before any other country in the world. While we say of Englishmen that they are the most conventional of European peoples, it may be urged in regard to Indians that they are more conventional than even the English in regard to their system of banking known as the 'Shroff' system. This system as practised to-day is perhaps the system which was in vogue in this country not decades ago but centuries ago, and it is high time that we improved upon it to suit modern conditions. In this matter I find an analogy as to what has happened in regard to Western medicine and the Unani system of medicine in this country. With the growth of Western education in this land, we take more kindly to Western medicine, and yet the Unani system progresses side by side. We recognise, for example, that while the Unani system has next to no surgery, and surgery has made such rapid strides in the West, that, because of our present system of education, we take more and more to Western medicines. Similarly, now that India is advancing faster in her commercial relations with other progressive countries in the world, it is necessary to follow the banking systems which are practised in Europe and America and which have made them the great countries that they are. Consequently, the Government of India should do everything possible in their power to push forward any legislation which will enhance and further the cause of banking in this country.

In spite of the help it receives from Government, the Imperial Bank of India has at the present moment not more than 150 to 160 branches, and that too because of the stipulation laid down by Government a few years ago that within a space of five years they should establish a certain number of branches. The number of branches of the other indigenous banks is insignificant. Compare this not only with the large number of banks in Europe and America but also their numerous branches. In some cases the number of these branches runs not into three but into four figures.

I will admit I am more than gratified to read the speech made in March last by the Honourable Member who represented Government in this House, I mean the then Finance Secretary, Mr. McWatters. Mr. McWatters in a most eloquent and a very excellent speech went much further than even the

Honourable Mover of the Resolution himself. Speaking for Government, Mr. McWatters recognised the importance of the Resolution and he also promised every possible help, and the Council desired nothing further. Because of the distance of time since this Resolution was first discussed and to-day, I may recapitulate briefly what then fell from the Honourable Mr. McWatters. He pointed out that after the disastrous bank failures in 1913, Government recognised the necessity of legislation, and that with that view they consulted not only the Provincial Governments, but also various commercial bodies. The consensus of opinion of these different bodies was entirely in favour of legislation which the Government of the day would have undertaken were it not for the Great War that intervened then. Some years elapsed, and the question was re-opened at the instance of the Bengal Chamber of Commerce, when Government appointed a Committee. That Committee made certain suggestions. Those suggestions were in turn submitted by the Central Government again to the Provincial Governments. The Provincial Governments improved upon those suggestions and made some more recommendations. The Government evidently approved of them all, but just then they were discussing in the United Kingdom some legislation in regard to banking, and unfortunately some of the leading banks there could not arrive at definite conclusions on very important points, and the question was again shelved in this country.

Now, Sir, in the course of the discussion on this subject some months back, it was pointed out by different speakers that one of the reasons why this Resolution was brought forward was because a particular bank suffered to some extent at the hands of perhaps a few interested people. Ordinarily I would not have referred to that bank or any bank by name, but as mention was made of the name of the Central Bank of India very freely on that occasion, I may be pardoned for referring to it to-day. I should like to mention, however, that I am not the only person in this House who is connected with the Central Bank of India, for besides myself there is my revered and respected friend Sir Dinshaw Wacha, and also my friend Rai Bahadur Lala Ram Saran Das, who are also on the Board of that institution. But what I want to impress upon this House is that not one of us had requested the Honourable Mover to bring forward this Resolution, nor am I aware that any one connected with the Central Bank of India, directly or indirectly, requested him to do so.....

THE HONOURABLE SIR EBRAHIM HAROON JAFFER : I have made that point clear in my speech.

THE HONOURABLE SIR PHIROZE SETHNA : I am sorry, I did not know that. I give my friend credit for it. I say that he has brought forward his Resolution purely in the interests of Indian banking.

In the course of the previous discussion, it was also pointed out that the Managing Director of the Central Bank made recommendations to the Government putting forward certain suggestions which would benefit banks and those who invest in banks. In regard to this, I should like to point out that banks stand on a different footing to other limited Companies. We may start false rumours with regard to any private company without doing it much damage. We may be shareholders of such a company to-day, and on the strength of such rumours we may dispose of our shares at a large or small loss, but the business of the company will continue to go on. Not so with a bank. Banks

live on credit. The business of the banks is to borrow money at cheap rates and lend out at the best rate available, and the difference in such rates, less the cost of running the business, is the bank's profit. If a false rumour is spread and the depositors make a run on the bank and the bank has to pay out money which it does not possess liquid, then naturally a crash follows. In that way, the doors of a perfectly sound banking institution might require to be closed, for absolutely no fault of its own, and it is against this that the Managing Director of the Central Bank of India requested the Bombay Government to safeguard banking institutions. Again one of the points I should like the House to remember in regard to banks is this, that the majority of the banks have an unpaid liability on their shares, and, therefore, if there is a run on a bank, and if the bank goes into liquidation, the position becomes serious not only for the shareholders but for the general community.

It is for this reason that the Managing Director of the Central Bank of India, not only for the benefit of his own institution, but for banking institutions generally in this country, advocated that legislation should be undertaken. He proposed three courses. First of all, he said that if people spread malicious reports, proceedings might be taken against them.

In regard to this the Government of Bombay explained quite rightly
1 P.M. that the present legislation does enable a bank to proceed
against any person who makes such malicious reports,
because according to the terms of the section a "person" includes a "company."

The next point made was that undesirable shareholders might be excluded. That perhaps was considered a drastic step by the Government of Bombay. No good bank would try to exercise it unless forced to do so. The reply of the Government of Bombay was that the remedy was in the hands of the bank itself, that is to say, they may add an article to their articles of association whereby any undesirable shareholder might be removed on getting a three-fourths majority of the remaining shareholders to agree, and the shareholder so removed might be paid the value of the shares he holds according to the market value. Therefore, the Government of Bombay turned down that proposal as well.

The third proposal was in regard to preventing vexatious proceedings, and such vexatious proceedings might be either in a Civil or a Criminal Court. The Government of Bombay did not seem to encourage the Managing Director in his reply in regard to any legislation being introduced to prevent vexatious proceedings in civil suits, but so far as criminal suits were concerned, they were somewhat in favour of the suggestion made by the Managing Director. The suggestion was that nobody could rush into a police Court as he does to-day against a bank on some frivolous excuse without his facts and figures and take out proceedings against it. The suggestion was that in such a case the party should first obtain permission from a Judge in Chambers, so that it would only be possible to institute proceedings criminally if permission were granted by a High Court or a District Judge. Now, the Government of Bombay favoured this view, but the Government of India did

not. The Government of India have three objections to the proposal of the Government of Bombay. First of all the Government of India say that this remedy does not touch that form of activity, namely, the spread of false rumours referred to in the letter of the Managing Director. The second objection of the Government of India is that if any legislation were introduced it might put obstacles in the way of perfectly *bona fide* complaints. Some *bona fide* shareholders may have certain legitimate grievances and there ought to be no hardship on such men, and they should not be required to go to the High Court for permission to take proceedings. Their last objection was that it would lead to many concerns which are not banks taking advantage of such legislation and claiming the benefit of coming under this legislation by saying they were banking institutions, and it is so difficult to define banks. In consequence of this the Government of India did not accept the suggestions of the Government of Bombay. As these are very important points and points on which the two Governments have differed, I am sure that if an enquiry were made they would go into this question and afford protection not only to banking institutions but also to all those who invest in banks.

Mr. MacWatters made it very clear that during the last two years there have been sitting, and there will be sitting altogether, three committees. He particularly referred to the External Capital Committee's Report. The External Capital Committee was presided over by our present Finance Member....

THE HONOURABLE THE PRESIDENT: The Honourable Member has exhausted his time. He might omit details of the Committee, of which I am sure the Council is perfectly aware.

THE HONOURABLE SIR PHIROZE SETHNA: Mr. MacWatters observed that what was necessary was the question of co-ordination, the law relating to negotiable instruments, the opening of an Institution of Indian Bankers, clearing out facilities, lowering of stamp fees on cheques, etc. If all these three points are disposed of satisfactorily by these Committees there is nothing more to be said; but if any of these points are not disposed of, I trust the Government will, in the near future, take up these points and settle them to the satisfaction of the Indian public and to the advantage of Indian banking.

THE HONOURABLE SIR EBRAHIM HAROON JAFFER (Bombay Presidency : Muhammadan): Sir, I have no desire to take up the time of this Council unnecessarily, as it is more than one o'clock now, by repeating the arguments which I made in March last in this House.

I thank my Honourable friend, Sir Phiroze Sethna, who has just returned after performing an arduous public duty for which his countrymen are highly grateful to him, for the powerful speech he has just made in support of my Resolution. I may inform him and the Members of this House that I had a discussion about the subject-matter of my Resolution with my Honourable friend, Mr. Jukes, who is in charge of this Resolution on behalf of Government. I find from him that the Report of the Committee mentioned by his predecessor in this Council on 10th March last is at present under the consideration of the Government of India. It is therefore now no use in postponing the discussion of this Resolution again.

Sir, my Honourable friend opposite is willing to accept it on these conditions that, if the enquiries now in progress and about to be undertaken do not provide sufficient material for a decision as to the desirability of banking legislation, Government will be prepared to institute further enquiries. In any case, if the result of the enquiries made is to indicate the need for legislation, Government will certainly take legislation in hand.

Sir, I accept these conditions mentioned above, and I hope the House will now pass my Resolution unanimously.

THE HONOURABLE MR. J. E. C. JUKES (Finance Secretary) : Sir, I rise to confirm what the Honourable Mover has said that Government are prepared to accept this Resolution on the conditions which he has stated.

THE HONOURABLE THE PRESIDENT : The question is that the following Resolution be adopted.

"That this Council recommends to the Governor General in Council that he may be pleased to order an inquiry into the question of the desirability of legislating with a view to place Indian banking on a sound footing".

The motion was adopted.

Wednesday, the 25th August, 1926.

RESOLUTION *re* REPORT OF THE TAXATION ENQUIRY COMMITTEE.

THE HONOURABLE MR. J. E. C. JUKES (Finance Secretary) : Sir, I beg to move the Resolution that stands in my name :

"This Council recommends to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee."

The Resolution is cast in somewhat unusual form and I should like to begin by explaining the reasons which have led Government to adopt this innovation in the matter of wording. The Government are most anxious to hear the opinions of Honourable Members of this House before coming to any definite conclusions upon the numerous important recommendations contained in the Committee's Report. The very number of those recommendations made it, however, impossible to word the Resolution in such a way as to commit this House to a definite line of action upon the Report as a whole. In order to secure a debate it was necessary to word the Resolution in non-committal terms. With the wording actually adopted, it will be possible for each Member of this House to discuss those portions of the Report in which he is particularly interested; and in view of the number of succulent dishes on the menu one may hazard a guess that the task of selection may not always be an entirely easy one. Indeed, Sir, I notice that the fear of intellectual indigestion has apparently overcome one Honourable Member, who proposes to follow the example set elsewhere and to suggest to this House that it should entirely decline the invitation to the banquet. It would be interesting, Sir, to see whether the Honourable Member carries consistency sufficiently far to refuse to take part in the general budget debate in this House when it takes place next spring.

The task which the Taxation Enquiry Committee took upon itself was one of great complexity and of great difficulty. It set out to examine the whole

range of taxation in India, its incidence, its equity and its distribution between local, provincial and central authorities. It engaged to seek for practical and theoretical defects in the existing system from each of these aspects, and to propose remedies for defects when discovered. It undertook finally to report upon the desirability of alternative sources of taxation. It was a comprehensive task and one involving no mean labour. In the result, the Committee frankly admitted itself baffled by the question of incidence ; the materials available were insufficient on which to formulate anything more than very general conclusions. For the rest, whatever views individual Honourable Members may take upon the individual recommendations of the Committee, it cannot be denied that the Members of the Committee have left a monument of their labours which will be of inestimable value to India. The seven volumes of this Report constitute a priceless storehouse of information for every student of taxation in India, whether he be a budding graduate, a Member of the Legislature or even a mere Government official. He will find in these pages a very complete history of existing taxation, many useful comparisons with systems obtaining in other countries and valuable contributions to the theory of taxation generally.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-official) : But you have not supplied us with these seven volumes.

THE HONOURABLE MR. J. E. C. JUKES : They are available and can be purchased from the Government Press. In view of the uses to which the volumes will undoubtedly be put in the future, there can be no doubt that they will keep the memory of the Committee green for many years to come.

This, Sir, is what the Committee has done. I should now like to stress one thing which the Committee has not done and was not asked to do. It was no part of its duties to make any recommendations as to the amount of revenue which should be raised by taxation. I have seen criticisms which suggest that the principal object of Government in instituting the Committee was to secure suggestions for new taxes and thereby to enable the various Governments in India to impose greater burdens upon their tax-payers. I hope it is not necessary to assure this House that any criticism of this kind is entirely unjustified. It is quite true that the Committee has suggested the exploration of new fields of taxation. This was inevitable in view of the fact that it proposed the reduction of certain taxes and the entire abolition of others. If it had contented itself with mere demolition without any attempt at reconstruction, it would have left half its task unfulfilled. I would, however, invite the attention of the House to the way in which the Committee has formulated its final conclusions. It contented itself with scheduling its proposed reductions and new imposts in what it considered to be the proper order of precedence. It did not advise that we should increase or reduce taxation merely in order to increase or reduce our revenue. It did not even suggest that we should increase or reduce taxation without regard to the result upon our revenues. It said in effect that, if at any time we were in a position to reduce taxation, they recommended the reduction of such and such taxes ; if we desired to make good a loss or to raise additional revenue, they recommended such and such new taxes. In a word, Sir, the Committee has

stuck to its last and has made no recommendation at all as to the amount of revenue which should be raised. May I express the hope that this Council will follow the example of the Committee in that respect? Taxation is always unpleasant—to the tax-payer—but it is a necessary evil if the State is to continue to function. Its amount is decided not on any theoretical considerations but, with reference to the financial needs of the hour. Roughly speaking, the revenue raised in any given year must be sufficient to meet the expenditure of that year; and the amount of the expenditure is decided at the proper time and place by the authorities duly empowered in this behalf. I must not be understood to suggest that no Government in India will ever utilise the suggestions of the Committee in order to raise new revenue by taxation. It is quite possible that increased expenditure may be necessary and that it may be essential to explore new fields of taxation. Any such proposals must, however, be embodied in legislation and must come up for consideration in the Legislature concerned before they can be introduced. It is for this reason that I suggest that we should not waste time to-day in discussing matters which can far more suitably be handled on another and more appropriate occasion.

It will, I think, be generally admitted that the comprehensive survey of the whole field of Indian taxation which has been undertaken by the Committee has come at a very opportune moment. As a result of the constitutional changes of 1919, India has taken the first steps along the road which leads to the institution of a federal form of Government. It is fashionable to deplore the shortness of those steps; though some of us would prefer to characterise them as very considerable strides. Whatever their length, the fact remains that they have been taken, and that it is possible to look forward in the future to steady progress along that road until the various Provincial Governments develop into a federation in the true sense of the word. In organizing a federation the question of finance is one of outstanding importance. It is essential to demarcate with the greatest possible exactitude not only the duties of the constituent States and their Central Government but also the resources which each will command. It is equally essential to insure that each of the Governments is provided with sufficient resources from which to finance the services for which it is responsible. If friction is to be avoided, it is desirable that the demarcation should be as exact as it is possible to make it. There should be no room for encroachment by one of the constituent States upon the fields of revenue reserved for another or for the Central Government. Of almost equal importance from the point of view of the constituent States is the demarcation of duties and resources as between these States and the various local authorities which they may establish within their territories. Here, too, very similar considerations apply. With the Report of the Indian Taxation Enquiry Committee in our hands, we are now for the first time in the position to make a complete examination of the existing constitution from the point of view of the demarcation of resources. Before advancing too far from the road of federalization, we can send spies in advance to see that the federation building is structurally sound and that it is in every way adapted to meet the needs of its future occupants. All the materials for such an examination are here. These volumes contain, as I have already said, a very complete history of existing taxes. They state the authorities by which each tax is levied.

They criticise the practical sufficiency of the resources at the disposal of Local Governments, as well as the theoretical desirability of certain of our taxes. They draw, in many cases, useful lessons from the experience of other federations. They make valuable contributions to the theory of taxation generally. Whether or not we accept individual recommendations of the Committee, we cannot deny that the Committee has provided us with very full materials for the inquiry which we desire to make.

I do not think I shall be doing injustice to the Committee if I select the following as among the most important of the many important conclusions which are embodied in the Report. The Committee holds that certain of our taxes may with advantage be replaced by others which are theoretically more desirable. It sees reasons to suppose that the resources actually employed by the Local Governments are not sufficiently elastic. It suggests that the existing system leaves openings for encroachments by one authority upon the fields of taxation reserved for another and, lastly, it suggests that there is considerable room for improvement in the methods of collection of local taxation. Without committing Government at this stage to any expression of opinion as to the correctness of these conclusions or the adequacy of the remedies proposed to meet alleged defects, I should like to offer one or two general comments on the very important problems involved in these conclusions.

In criticising the theoretical desirability of certain of our taxes, the Committee has opened up a very interesting question for discussion. Its criticisms extend to every field of taxation in India. Of central taxes, certain of our export duties and the weight of the import duties on such articles as sugar, among other items, have attracted the Committee's attention. The provincial capitation and Thathameda taxes in Burma have received emphatic condemnation. The octroi and terminal taxes, on which so many of our municipalities rely for the bulk of their revenues, have also come in for criticism. Government will welcome the assistance of Honourable Members of this House in arriving at conclusions upon the very difficult questions involved. I should, however, like to remind the House of two things. Firstly, that there is probably not a Government in the world whose taxes are not to some extent open to theoretical objection and, secondly, that, in order to remove an objection of this kind, it is necessary either to forego the revenue concerned or to evolve some satisfactory substitute. The way to the evolution of a substitute may be beset with difficulties, practical or even political, which will operate to make the remedy worse than the disease which it is desired to cure. There is one other point in this connection to which I should like to invite the attention of the House, and that is the comments of the Committee on the extent to which municipal taxation operates as transit duties on inter-provincial trade. It is impossible to exaggerate, from the point of view of the future federation, the desirability of securing free movement of trade within British India.

The second of the Committee's conclusions to which I should like to refer is that which suggests that the revenues at the disposal of Local Governments are not sufficiently elastic. This also is a point of very great importance. The bulk of the burden of what are commonly known as the nation-building services is borne by the Local Governments. It is for them to develop educa-

tion, sanitation and other similarly beneficent activities. In order to do so, they must be assured of revenues which may be excepted to expand steadily over a series of years. They may indeed at times find it necessary to impose additional taxation. It was the Local Governments that I had primarily in mind when I suggested that the suggestions of the Committee might be utilised in order to raise increased revenue. So far as the Central Government is concerned, it seems unlikely, in the absence of some grave calamity, that any increase of taxation will be necessary in the near future.

The tendency has recently been all the other way. We have reduced the salt tax, abolished the cotton excise duty and lowered our railway tariffs, and all this simultaneously with no inconsiderable reduction in the provincial contributions. It is always dangerous to prophesy, but it is probably safe to say that there is no immediate prospect that the Central Government will require to raise additional revenue for its own purposes. The case of the Provinces is, as I have said, entirely different. If any Province deliberately decides to make a considerable expansion of its nation-building activities, it will naturally require more revenues. If, therefore, it can be established that the resources now at the disposal of the Provinces, including—and this is most important—those taxes within their field which they have hitherto refrained from levying, are insufficiently elastic, it will be necessary to take into serious consideration the question of providing them with greater possibilities of expansion.

There are certain passages in the Committee's Report which suggest that the existing system gives opportunities for encroachment by one authority upon the field of revenue reserved for another. One example is that of imported foreign liquor. The Committee suggests that the fees for possession, levied by certain Provincial Governments, operate to exhaust a margin of taxation which could, and should, be utilised by the Central Government in increasing the import duties. Again, it is stated that the tax on professions and trades, which is generally levied by municipalities in Madras, does not essentially differ from an income-tax. If this be true, this is another case of encroachment upon a central sphere of revenue. Yet another example is given by the Committee when it suggests that the existing law as regards octroi and terminal tax makes it possible for these taxes to be imposed upon articles which should be liable to central taxation only; and the Government of India recently received striking proof of this when a terminal tax on exported salt was proposed for levy by the District Local Board of a district which contained a very large and important Government salt mine. Another example of leakage, if not of encroachment, is afforded by the remarks of the Committee upon the tendency of revenue from stamp duties to accrue in Provinces other than those in which the taxed transactions arise. All these examples—and the list is not nearly exhaustive—point to the need of a very careful examination of the party-walls of our federation building before we move into complete occupation of it.

It remains to deal with the remarks of the Committee as regards the collection of local taxation. This is a question which should give serious food for thought to all those who are interested in the development of local self-government in India. I had occasion last year, in an official capacity, to

peruse report after report submitted by the Local Fund examiners of the various Provinces. I am afraid, Sir, that they made sorry reading. It was the same story everywhere. There were honourable exceptions in every province; but the general story was that municipal collections were in a chronic state of serious arrear ; and I am afraid it was too frequently added that the principal defaulters were the Municipal Councillors themselves. (Hear, hear.) It is a truism, Sir, that no community can hope to govern itself if it will not consent to tax itself. Some radical change in this respect is essential if India is to make any real progress along the path of local self-government. I do not propose at this stage to commit Government to an opinion upon the heroic remedy suggested by the Committee itself. That is indeed a matter primarily for the consideration of Local Governments rather than of the Government of India. Some remedy is, however, essential if India is to develop upon the lines which we all desire.

I have made, Sir, a few general comments upon certain of the most important of the many important problems arising in connection with this question of taxation. My object in doing so was to point out that there are a number of matters in this connection in relation to which the wealth of wisdom and experience which is concentrated in this House can assist Government with constructive proposals. I realise, Sir, that I have done no more than touch the fringe of the subject, and that it would take the greater part of a week and a tongue far more eloquent than mine to do it anything approaching complete justice. I realise also that the time at our disposal is limited and that Honourable Members will be able to find a far better way of utilising it than by listening to what can be after all nothing more than introductory remarks. For I must emphasise the fact that I am not, and shall not be even at the conclusion of this debate, in a position to announce the definite conclusions of Government upon any of the important questions involved. A number of those questions are primarily for the consideration of Local Governments, and on practically all of them consultation with the Provinces will be necessary. A great deal of the preliminary spade work has already been done and we shall shortly be in a position to make the necessary references. I am confident, Sir, that, as a result of to-day's debate, if we are allowed to have a debate at all, the task of Government will be greatly simplified ; and in that confidence I commend my Resolution to the careful consideration of this House. (Loud applause.)

THE HONOURABLE THE PRESIDENT : Resolution moved :

"This Council recommends to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee."

There is a motion of a dilatory nature of which notice has been given by the Honourable Dr. Rama Rau. It suggests the adjournment of this discussion and I think the House would like to dispose of that question before it enters upon a discussion of the merits of the Resolution. I therefore propose to call on the Honourable Dr. Rama Rau to move his motion, but I will ask him in the first place to omit from his motion all the words beginning with the words "since no discussion of any constructive nature ". These words are mere argument and as I could not admit them as a part of a substantive Resolution, I do not think that they should stand as part of the motion. I

would also ask him and those who follow him to remember that in the event of his amendment being lost, every one will have an opportunity of speaking again on the main Resolution. I would therefore suggest to Honourable Members who desire to speak on this motion that they should make their speeches as short as possible and confine themselves very strictly to the point at issue.

*THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras : Non-Muhammadan) : I have no objection to make the alteration which you have suggested, and with your permission, Sir, I should like to substitute for the words ‘*sine die*’ the words “till the next Session.”

THE HONOURABLE THE PRESIDENT : Does the Honourable Member wish to omit the words “*sine die*” ?

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU : Yes, Sir, and to substitute therefor “till the next Session.”

THE HONOURABLE THE PRESIDENT : The Honourable Member may do so.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU : My amendment will then run :

“That the discussion on the Report of the Indian Taxation Enquiry Committee be adjourned till the next Session of the Council.”

I must remind the House that the terms of reference of this Enquiry Committee were limited, and that also the appointment of the Committee was effected in spite of a good deal of protest. In the first place I for one, Sir, am against any fresh taxation until the people get full control of the finances. I do not say anything about the Committee’s Report. It contains a mass of literature—literature intended for students who study taxation. It contains a very good dissertation on taxation. Unless and until the Government come out with definite proposals, the discussion will be nothing but academic and no useful purpose will be served by this discussion, and until Government bring forward any concrete proposals for raising money through any form of taxation, it will be improper, unwise and premature for this House to express any approval or disapproval of the Report. Unless we have definite proposals from the Government, any discussion will be no more than an academic one. There are many proposals in the Report which are ridiculous, such as the proposal to tax marriages and to leave bachelors free. At the same time I must admit that there are some proposals which are worth considering. At any rate, Sir, under the Statute this House has no responsibility for any constructive proposals of taxation, and as it rests entirely with the Executive Government, therefore let us wait for definite proposals from the Government. I have no mind to say anything about the merits or the demerits of the Report because it will take hours before we can do justice to the Report. Further, a debate or discussion on the Report would be absolutely barren as each Member would naturally support his own favourite theme with regard to taxation. So under the circumstances I recommend that my amendment be accepted by the House.

*Speech not corrected by the Honourable Member.

THE HONOURABLE THE PRESIDENT : Motion moved :

"That the discussion on the Report on the Indian Taxation Enquiry Committee be adjourned till the next Session of the Council."

That for the time being is the sole question before the House.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce) : Sir, the Resolution moved by my Honourable friend, Mr. Jukes, appears to me to be perfectly harmless in its simplicity. Moreover, it commits this Honourable Council to nothing. It merely asks that this Council should recommend to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee. I feel quite confident that the Honourable Members of this Council would not wish to decry the labours, the very considerate labours, of the six gentlemen who formed that Committee by throwing out the Resolution brought forward by the Honourable the Finance Secretary. With these few remarks, Sir, I turn to the amendment ; and I must at once say that I do not understand it. It must of course, Sir, be technically correct because you have admitted it, but I cannot see its practical side at all. How does this amendment read ?

"That the discussion on the Report of the Indian Taxation Enquiry Committee be adjourned till the next Session of the Council."

Sir, we have not had a discussion. You cannot suggest that the Honourable Mr. Jukes has had a discussion all by himself : it takes two people to make a discussion. I could understand the Honourable Dr. Rama Rau introducing such an amendment, say, at the end of two hours when he might have been tired of the discussion. We have had no discussion at all ; and I think it is entirely irregular, not technically irregular under your jurisdiction, but entirely irregular from the point of view of the Members of this Council that he should have brought forward this amendment at this stage. Sir I oppose it wholeheartedly.

THE HONOURABLE SIR C. SANKARAN NAIR (Madras : Non-Muhammadan) : Sir, I rise to oppose this motion for adjournment ; one strong reason for opposing it is found in the words in the motion which you have directed to be deleted. My friend states here that "no discussion of any constructive nature could be carried on without definite Government proposals." The fact is just the other way. When the Government make any proposal for taxation, you cannot make any constructive proposals, but you can make destructive criticism, and, as my friend said, there is no statutory obligation on the part of this Council to put forward any constructive proposals. That is the very reason why Government now come forward and ask the Council for any constructive suggestions that we may make. The alteration in the motion makes it nonsense. Instead of adjourning it *sine die*, my friend says adjourn it to the next Session. All these arguments against any discussion to-day would apply to the next Session. If you cannot make any criticism now of the proposals, if you have to wait for the Government to make the proposals, then how are you in a position at the next Session to go on with a discussion of this matter without waiting for Government proposals ?

Let me now come to the main question itself. My friend states as a reason for moving the adjournment that this is not the time for us to criticise or to make suggestions with reference to the proposals for taxation which have been made in the Report itself or which may be made by the Government. Now, it may be my friend's policy, but that is not my view. If I have to object to any proposal made by anybody which affects me, the moment the proposal comes, I would say "I object to it". The result would then be that, if we state our objections to the proposals for taxation now, they will be noted. You will see Sir, that the proposals, at page 503 of the Report, are very important. It is our duty to our constituents to come forward and say what we have to say with reference to those proposals. The result would then be that it will be for the Government to consider whether there is anything in those objections. If there is anything in those objections, they will think twice before putting forward proposals for taxation. What has been the experience of the Government of India all through? Take the Rowlatt Bill, the Bengal Partition Bill, the Ilbert Bill. What was the course of events? The Government did not know the strength of opposition and, on account of want of information, they put forward those proposals and afterwards they dared not, for other reasons, withdraw them; the result was they had to go on. Do the Honourable Members want to place Government in that position? Take, Sir, the proposals here which affect the landed interests vitally? If no objections are brought forward now and if the Government are led to believe the proposals are unobjectionable, and they put forward their proposals, the result might be—I do not say would be—unfortunate. I say, therefore, it is the duty of the representatives of the interests affected to come forward at the earliest possible moment, and at every opportunity, and say what they have to say and raise the objections which they have to raise. It is then for the Government to make up their minds and then say "We have heard the objections; in spite of that we propose to go on." They would then know what they have to expect. They would know then the strength of the opposition or the degree of opposition and the consequences that would result. So far then as to the proposals which might be brought forward. I do not want to be sarcastic, but I doubt whether those who propose the adjournment have read the Report, because in the Report there are proposals, various recommendations, for exempting various interests. They are embodied, if anybody likes to read them, in paragraphs 233 to 239. Look at those exemptions; they are very important. There are many important interests which have been exempted. I do not agree with some of them. Will they be embodied in any proposal of the Government? They cannot be. Such proposals would not come up for discussion before the Council, and here we are afforded an opportunity of discussing them: we are afforded the opportunity of telling Government that the Taxation Enquiry Committee are wrong in exempting certain interests. On the other hand they should turn their attention to these sources of revenue and give relief to person who want relief. There are many proposals here with reference to the relief to be granted to various classes of people. The Government Taxation Enquiry Committee said that no relief need be granted in various cases. There are many instances in which I do not agree with them. For instance, they say that no relief need be granted in the case of taxation on salt. Their recommendation is opposed to Resolutions after Resolutions of the various Assemblies. Now, the Government are not likely to bring forward any proposals about them. They

will simply accept the Report of the Taxation Committee. Are we not to discuss that Report when we are given an opportunity by Government for that discussion?

Then, again, take the order of precedence of the various taxation proposals. That, too, would not arise on any proposals made by Government because they will simply take up one subject which appears to the Government to be the proper subject for taxation. All the recommendations contained in paragraph 361, therefore, will not come up for discussion if we wait for Government proposals. It will thus be observed that no opportunity will be afforded to the Council, if they are to wait for proposals from the Government, in order to discuss these questions. But if you do not discuss them what would be the result? Now, the Report is signed by the representatives of the land-owning classes like the Maharaja of Burdwan and experienced officials like Sir Charles Todhunter and others. This report, therefore, is bound to exercise great influence? Our criticism of the Report must therefore be before the country. We want, therefore, that the Report should be discussed in this Council. We do not want to accept these things as gospel truths because there are matters to which serious objection may be taken. We do not want the Government to accept it entirely as a gospel truth before hearing what we have to say. I strongly object, therefore, to the motion for adjournment.

THE HONOURABLE SIR MANECKJI BYRAMJI DADABHOY (Central Provinces : Nominated Non-Official): Sir, I understand that you have ruled out of order all the words after the "next Session of the Council".

THE HONOURABLE THE PRESIDENT: If the Honourable Member had listened he would have known that those words were not moved.

THE HONOURABLE SIR MANECKJI BYRAMJI DADABHOY: Thank you, Sir. When I first came to this Council to-day, I had a determination to oppose this motion. My determination was based on the fact that the proposal originally put forward was of a nature which I could not possibly support. So far as Dr. Rama Rau's arguments are concerned in connection with the request asking Government to put forward constructive proposals, I quite agree with the views of Sir Sankaran Nair but not for the reasons that he has stated. My reasons for coming to that conclusion are entirely different. I sincerely recommend to the Government not to bring forward any definite proposals before this House in future for the simple reason that they will be misconstrued in the country and they will cause dislocation of the monetary markets both in Calcutta and Bombay. If Government bring forward any definite proposals before this Council for fresh taxation—though they may be brought forward for the purpose of pure academic discussion for finding out the wishes of the people—they might be misconstrued in the country as some sort of intention on the part of Government to levy such taxes and might cause a dislocation of financial equilibrium, would act as an incentive to people in Bombay and Calcutta to speculate and gamble and might also inflict a considerable amount of injury and damage to the trade generally and to the central revenues. Sir, the modified Resolution, as it stands, only asks for the adjournment of this discussion till the next Session. Many of my friends here told me this morning that they were not prepared at this short notice to express definite views

on the subject. Some of the proposals require very serious consideration and are of a very far-reaching character. Many of my friends had no time to study this elaborate Report carefully and formulate their proposals. Many also are of opinion that they should discuss the question with their friends and their constituents before they express definite opinions. This seems to me to be a very reasonable request. The Honourable Mr. Jukes has told us this morning that it is not the intention of the Government of India to bring in any additional central taxation. On the other hand, he has indicated and our esteemed Finance Minister also has very rightly pointed out in the other House that the Government tendency would rather be towards reduction than an increase in taxation. I am sorry to state that I have not been able to follow the arguments of some of my Honourable friends. If my colleagues only want the adjournment of the discussion of this very important subject till the Next session and not *sine die*, I do not see any valid objection to such a reasonable request. I, therefore, support that request.

THE HONOURABLE MR. J. W. A. BELL (Bengal Chamber of Commerce): Sir, I must express considerable astonishment at the amendment proposed by my Honourable friend Dr. Rama Rau. I am also very much surprised at the amount of support which it has received from the House. I think my Honourable friend Mr. Jukes put the Government position in a perfectly simple way. He said that Government desired before taking any action on the Report or taking it into consideration to have some idea of the views of the Honourable Members of this House on the different proposals raised in it. I think that is quite reasonable. I think that it is a perfectly reasonable attitude on the part of Government that they should desire to hear what the Honourable Members of this House think of the Report before taking any action. I think that rather emphasises the argument used by my Honourable friend Sir Sankaran Nair.

I am also rather surprised to hear arguments in favour of the amendment emanating from my Honourable friends Sir Maneckji Dadabhoy and Mr. Chari. My Honourable friend Sir Maneckji Dadabhoy said that he had not had time to consider the Report.

THE HONOURABLE SIR MANECKJI BYRAMJI DADABHOY: I beg your pardon. I have considered the Report very well.

THE HONOURABLE MR. J. W. A. BELL: I am glad to hear it. I now understand that my Honourable friend's anxiety was lest other Honourable Members of this House should not have had time to read the Report.

Well, the Honourable Members of this House have had the Report in their hands for about six months,—I think it was published last March,—and if I know anything about a number of them, they have had ample time to get the whole thing alomst off by heart in that time. (Laughter.)

My Honourable friend, Mr. Desika Chari, used rather a peculiar argument. He said that this discussion was not likely to have any tangible results. How does he know that? How does he know that what Honourable Members of this House are going to say to my Honourable friend, the Finance Member, about the proposals in this Report is not going to have tangible results? I

hope it will have tangible results ; and, in any case, my Honourable friend is not in a position to use that argument because he does not know whether it will or will not.

As I said before, I think the attitude of Government is an entirely reasonable one : and I think that if we accept the amendment proposed by my Honourable friend, Dr. Rama Rau, we will not merely be failing to take advantage of a favourable opportunity of expressing our views, but the House will be almost guilty of courtesy towards Government in refusing to take advantage of this opportunity which Government have been good enough to give the House to discuss the Report.

THE HONOURABLE MR. J. E. C. JUKES (Finance Secretary) : Sir, I should like to make plain what is the position of Government in relation to this amendment. The position of Government is perfectly simple. They are, as I have already said, most anxious to secure from Honourable Members of this House constructive suggestions which will help them in handling the Report. It appears from what has been said that there are Honourable Members of this House who are very anxious to give Government such constructive suggestions. It also appears that a large number of other Honourable Members are not prepared to make any such suggestions. May I be excused, Sir, if I suggest that the attitude of the latter class of Members strikes me as a little selfish ? "We do not wish to make any suggestions : therefore we will not allow anybody else to do so." Surely it would be possible for them, if that is their attitude, to allow the debates to go on and either to sit silent in their places, or, if they do not even take sufficient interest in the subject to do that, to leave the House altogether. But in any case, Sir, Government are prepared to leave it to the decision of the House whether the Resolution should be adjourned or should not be adjourned. I want however to make one thing quite plain, and that is that, if the motion is adjourned, Government will not be prepared, any more than they were in another place, to give another day in a later Session for a full discussion of the complete Report. The Report has been published now for six months, and notice that this Resolution would be moved has been given for a month ; and I think Government are justified in considering that, if Honourable Members desired to do so, they should be in a position to discuss the various suggestions of the Report. If, therefore, this Resolution is adjourned, Government will not give another day for the discussion of the whole subject. Government are, however, prepared to give the promise which they made in another place, that, if there be evidence that there is a considerable body of Honourable Members which desires to move and support a Resolution on any particular subject covered by the Report, they will be prepared to allow such a discussion.

The original question was that the following Resolution be adopted :

"This Council recommends to the Governor General in Council that he be pleased to take into consideration the Report of the Indian Taxation Enquiry Committee."

Since which a motion has been moved :

"That the discussion on the Report of the Indian Taxation Enquiry Committee be adjourned till the next Session of the Council."

The question I have to put is :

"That the discussion on the Report of the Indian Taxation Enquiry Committee be adjourned till the next Session of the Council."

THE HONOURABLE THE PRESIDENT : The motion is therefore carried and the discussion is adjourned.

Tuesday 31st August 1926.

CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary) : Sir, I move that the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Though this measure is of very considerable importance, it is brief, and I think I can observe a similar brevity in presenting it. It is unnecessary for me to dwell at length on the melancholy circumstances which have induced Government to lay this measure before the House. They are indeed the most disturbing, the most disquieting feature in the present state of the affairs of India. Their gravity is not limited solely to the loss of life, the loss of property, the danger to and the disturbance of the liberties of citizens proceeding on their lawful avocations, but their implications are of even greater import to the ordered progress of India in all directions. Those being, as I think, the admitted facts, I am not concerned now to inquire into their causes or to impute blame, but those being the circumstances, every member of this House will, I think, recognise that a very grave responsibility rests upon all whom they can in any sense be deemed to concern, and I can hardly imagine that there is a single right-minded man in India who does not deem those responsibilities his close concern. They must rest in many quarters, but they must rest with special force and insistence on those of the various communities concerned who lay claim to enlightenment and public spirit, and on those who claim to be leaders rests the heaviest responsibility. But it is not my purpose to deny or to deprecate in any way the very great responsibility which also rests upon Government. A very large share of that responsibility is discharged—is daily being discharged—by the officers of Government who, in the course of their anxious and heavy duties, bear the burden and heat of the day and no small share of its dangers and its perils, while therefore it is generally incumbent upon Government to do all they can to cope with these unfortunate conditions, it is in my judgment especially incumbent upon them to do all that lies in their power to assist the local officers in the discharge of their heavy burden of duty. Every consideration urges the necessity of neglecting no measure which holds out a reasonable prospect of doing something definite and useful to curb the causes of these disturbances under which India is suffering. That is the intention of this Bill.

Honourable Members who have read the Statement of Objects and Reasons will see that there is a great defect in the existing state of the law, which it is necessary to remedy. We have already certain powers, more particularly we have the powers conferred by section 153A of the Indian Penal Code. That power, however, is solely a punitive power, and if we are to arrive at a proper estimate of the problem before us, the first point to emphasise is that punish-

ment in cases of this kind is by no means the only or the most effective method of dealing with the matter in hand. We must not only punish, we must do our best to prevent. Section 99A of the Criminal Procedure Code, which this Bill proposes to amend, gives certain powers to the Local Governments to forfeit publications which offend against section 124A of the Indian Penal Code, that is to say, publications which are of a seditious character. This Bill has the object of granting the same powers to the Local Governments in respect of publications which offend against section 153A of the Indian Penal Code. It is quite obvious that to punish the culprit is not enough. The power of the word is great and words once liberated cannot easily be stayed. But obviously we have an absurd condition if, while the culprit is being tried, or while he is undergoing his punishment, the material substance of his words should be at large working all the mischief of which the culprit has been guilty, while he himself is temporarily under restraint. I may say that during the course of the last few months a large number of instances of that kind have been brought to the notice of Government. I mention this because it has been alleged that Government have not sufficiently used the powers already in their hands. In a large number of cases where action has been taken under section 153A, the mischief has continued simply because Government had no power to prevent the further dissemination of the matter which had formed the subject of the offence. That is what the Bill sets out to do.

(At this stage the Honourable Sir Phiroze Sethna vacated the Chair which was resumed by the Honourable the President).

There are two features of the proposal to which I invite the special attention of the House. It has been alleged, for example, that a measure of this kind permits some irresponsible Inspector of Police, actuated possibly by motives of communal animosity himself, to take vindictive measures against some of the opposite faction. That is entirely a misconception. The powers conferred by this Bill cannot be exercised by subordinates. The decision must in all cases be the decision of the Local Government. In the second place there is an effective remedy. There is an opportunity for a reference to the High Court. It is not sufficient for the Local Government to hold that in its own opinion the matter impugned is open to objection. It is necessary for them to show that it actually constitutes an offence against section 153A of the Indian Penal Code. That is a matter in which the High Court can exercise very effective powers of supervision.

Now I propose to deal very briefly with a few of the general objections which are likely to be taken to the Bill. It has been said, "What do you propose to do? This is really not a solution of the evil. It is not a panacea for all the troubles that you are legislating for." No one suggested that it was a panacea; but it is an irrational position to adopt that, because it does not purport to be a complete solution, if nevertheless it is capable of achieving something, you should refuse to avail yourselves of it. It has been said that this measure would result in a serious encroachment on the liberty of the Press, and the great authority of Milton has, as I have seen, been invoked on that side of the controversy. I should like to point out in the first place that the case against which Milton was arguing was one which has no relevancy whatever, or only a remote relevancy. Milton was arguing in favour of the liberty of un-

licensed printing which is a very different matter. What kind of liberty, if this measure is passed, can it conceivably be supposed to curb? Only the liberty to stir up strife and to promote hatred. That is a kind of liberty which is honoured beyond its deserts by being called liberty. It is not liberty but license, and I contend that the consequences of this measure will simply be to curb that license. I submit to the House that there is a wider and better form of liberty which it is our duty to preserve, even if we have to do so at the expense of curbing license of this kind, liberty for every citizen to go about his lawful occasions without constant danger to his life, his person, his property and his rights.

I have admitted that the Bill does not pretend to be a panacea. It does not go to the root of this very serious problem. We all know what the real remedy is, the growth as Lord Reading said not very long ago, of the spirit of toleration and enlightenment. Obviously the first necessity is to promote the growth and flourishing of that spirit, and I submit that our first duty, in order to do so, is to see that the conditions in which alone it is possible for that spirit to grow and to be fostered are maintained and preserved. The first of these conditions is that we should have a cool and firm and steady Government. If any Honourable Member of this House is inclined to suggest that there is anything drastic in the measure, I would invite him to examine the proposal made by a very well-known leader of political opinion.

He says :—

"In any area where a communal riot has taken place, all persons resident in that area should be immediately disenfranchised."

That proposal was not only approved by the Leader of the Swaraj Party, but it was even extended. The Leader of the Swaraj Party, in referring to Sir Tej Bahadur's proposal, said :

"It should be clearly laid down that no person residing in any area where a riot declared by competent authority to be communal has taken place shall be recommended for honours of any kind, that no such person shall, for a term of years, be appointed in any department of the public service, and that if any such person is already in service he shall not for a similar term of years, be allowed any promotion or other advancement to which he may otherwise be entitled."

Well, Sir, it appears to me that those who are prepared to give powers to the Executive Government to disfranchise any and every constituency in India might not be exercising a very great degree of complaisance if they permitted the Government of India and the Local Governments to see that incitements to communal violence are restrained in the manner we now propose. At any rate I may point out that the measure which is actually before the House is a very mild, a very limited measure, compared with the measures which have been advocated on such high authority.

I have only one word more to say and I have done. During the course of the previous debates in this House Honourable Members opposite have expressed their readiness, if ever Government should come before them with a reasonable request for powers necessary to deal with law and order, to confer those powers. I have no doubt that those assurances were made in all sincerity.

I have no doubt that Honourable Members opposite, in dealing with this measure, will not

" Palter with us in a double sense.

And keep the word of promise to our ear.

But break it to our hope".

Those being the assurances that we have received, that being the disposition which has been so frequently impressed upon us by nearly every gentleman opposite, I venture to say to them that here and now is their opportunity.

THE HONOURABLE SIR CHETTUR SANKARAN NAIR (Madras : Non-Muhammadan) : Sir, I fully recognise the gravity of the situation, in fact I accept fully the description that as things are now going on life is in danger, property is not safe, and there is no chance of any political progress as long as the feelings between the various communities continue what they are now. Fully recognising that, you will understand that, if I make any observations on the proposals now before the Council, I am not actuated by any hostility to them. I fully realise also that under these conditions it is our duty and the duty of the Council to give to the Government any powers that they may ask for if they think that those powers are essential in the interests of law and order. The first and main question therefore is, how far these powers will enable the Government to cope with the situation. I quite agree that the fact that it is no panacea is no argument against it, but there is not the same force in that argument when you find that what is now put forward is an interference with the liberty of speech. If it were not an interference with liberty of speech, if some proposal were put before the Council which was not an interference with liberty of speech, even if they were more drastic, I for one would have no hesitation in according my support to such proposals.

Now, Sir, let us consider this proposal for a moment, because we have an experience of the working of these sections for the last 20 years and more. We have the history of these sections. Section 153A came into existence on account of a sedition charge. How has that section been worked ? We know that there were articles both in the Anglo-Indian and Indian papers. We know that the Government did not proceed against the Anglo-Indian papers, while they did proceed against the Indian papers. What was the result ? The result has been an intense bitterness against the Government for having made this difference between the Indian and the Anglo-Indian papers. The Reforms came and the Anglo-Indian papers have changed their tone, and in fact there is no longer that kind of attack against the Indians that prevailed before, but did the feeling in India subside ? No, the feeling remained though the cause disappeared. The Anglo-Indian papers changed their tone, but the change of that tone did not eradicate the feeling that had already been created in the mind. We pass on to the next Acts, the Press Acts of 1908 and 1910. Under those Acts steps were taken against various newspapers and against the persons who wrote certain pamphlets from 1915 to 1920. The Government of the Punjab utilised those powers more than any other. What has been the result ? I was receiving remonstrances and letters from those publishers and writers and newspapers against whom proceedings were taken by notice or otherwise. The result was that each and every one of them had a lot of things to say against the Government. Every one complained Muhammedans complained .

The Punjab is a place of tremendous religious upheaval among the Arya Samajists, Hindus, Muhammadans and Sikhs; there is also Christian religious propaganda going on. The result was there were attacks by Arya Samajists, Muhammadans, Sikhs and Christians, each one of them against the others. Well the Government took these steps; I doubt not they were in many cases justifiable; in some cases they may not have been, but that is not the question. Those steps were actually taken and the result has been a growth of the feeling against the Government. Every one against whom any step was taken became an enemy of Government. You cannot imagine the strong feeling shown by one or two Muhammadan editors against whom notices were issued. Arya Samajists too.

Now what would be the result of another measure like this? You have somebody, a Hindu or a Muhammadan, writing a strong pamphlet against the other. The Government take steps against it. The result of that would be, if he is a Hindu he will say: "They have been attacking me; here are the Muhammadans playing the devil with my religion; I put forward a defence and yet Government are interfering with me". And there is no use disguising it because the Secretary of State himself has referred to it; he will also say the Government are taking the side of the Muhammadans (*The Honourable Saifid Raza Ali*: "Question, question."). My Honourable friend does not agree. If we did agree we would not have this Bill before the House. That will be the result of any action taken by the Government. Suppose you take any step against the Muhammadans, it will be just the same. "I defend my religion and here is the Government going against us." (*The Honourable Saifid Raza Ali*. "That is a better argument.") After that what will be the result? The Honourable the Mover went on to say that we have to undo or rather to prevent the mischief for which no punitive measures will do, that if we try the man the result will be that while he is in jail everything will be before the public under discussion. But supposing a pamphlet is written and steps are taken against it and the pamphlet confiscated, don't you give the power to the man who has written it to go to the High Court? Every thing is discussed there. It is therefore just the same as if you had taken the step later. I could have understood it if Government had come forward and said: "These things are being done and therefore we cannot leave these matters to the judiciary; you must give us powers to interfere summarily by prohibiting the publication of these things, or by attaching them or confiscating them at once and giving no power to the person whose pamphlet we have confiscated to appeal to the civil courts." That would have been a very different thing. That would prevent the distribution of the pamphlet, the ventilation of the man's views; that, as I know, was advocated before, but this is not the same thing.

Now I pass on to another part. Though I view this proposal with disfavour—I am afraid of it—I am not going to oppose it because I dare not oppose it under the conditions now existing in the country, and when the Executive Government come forward and say: "We want these powers." But I cannot help telling them what I feel about it. Then, Sir, the Honourable Mover's speech is disappointing in one respect. After saying all these things the Honourable Member referred to this measure as a step which they are going to take in order to put down this communal trouble, but he did not say what the

Government are doing. All that he said was—and it is there I join issue with him—all that he said was, "we must look for the termination of all these troubles to the leaders of the various communities." Well, Sir.....

THE HONOURABLE MR. J. CRERAR : The Honourable Member does not correctly quote what I said. I distinctly said that while the responsibility rested partly upon the leaders of the communities, it also undoubtedly rested upon Government.

THE HONOURABLE SIR SANKARAN NAIR : It may be so ; I apologize. Those were the words I took down. However I am not disposed to question that, that is what he might have said. But the real remedy lies in the hands of Government and in the hands of Government mainly,—not partly in the hands of the leaders and partly in the hands of Government. In fact, there are no leaders now because the leaders follow the crowd. Neither the Muhammadan nor the Hindu leaders are leaders in the sense that they lead their followers and the others follow them. The Muhammadan leaders profess to be leaders, but what do they do ? They take their cue from the most fanatical of their followers. The Hindus do just the same. They profess to be leaders, but they are not so. How in these circumstances can we look to the leaders to improve the situation ? No, they cannot improve the situation. The masses are not educated, they are not sufficiently educated to realise their responsibilities. They are simply actuated by religious motives. If the Government say to these district officials in the localities concerned where riots have taken place once, they must not take place again, and if they do take place again we will know the reason why and the men responsible will have to pay for them. I feel quite certain, because we have dealt with riots far more important than these, far more dangerous than these, they will soon be things of the past. Let them not appeal to any leaders at all ; let them put their foot down and make an end of it. But so far as I can see the Punjab tragedy and the Khilafat agitation seem to have unnerved the Government altogether. There is an uneasy feeling all over the country that the Government are not putting their foot down, that they are not doing everything that should be done and could be done in order to put down these riots. Look at the list that has been placed on the table to-day. The most dangerous of the disturbances we have had was that in Malabar. That was not a religious dispute between Hindus and Muhammadans. In Malabar it was a spirit of lawlessness that was abroad and it was against the Government.

THE HONOURABLE SIR ALEXANDER MUDDIMAN : Who suffered—the Hindus or the Muhammadans ?

THE HONOURABLE SIR SANKARAN NAIR : It was the Muhammadans against the Government, not against the Hindus. Look at what took place yesterday of the day before in Delhi, if the newspapers have rightly reported what has happened in Delhi. It was not religious dispute there. Look at the list laid on the table to-day by the Honourable Mr. Crerar. You will find many instances where these disturbances took place with which religion had nothing to do. What it shows is that it is the spirit of lawlessness that is abroad in the country which is due to the non-co-operation movement. But that does not excuse the Government for not taking the necessary steps to put down that spirit of lawlessness, and it is owing to the failure on the part of Government to

put it down that these riots are going on like this. Unless the Government put their foot down, these measures are of no use. There is no use in simply telling the Council, as the Honourable the Home Member said this morning in reply to a question, "We leave it to the local officers." That sort of thing will not do. If there has been any outbreak, any riot, in any one place it is not for the Government simply to say "The local officer has dealt with it". It is for them to see that the local officer deals with it in the way they want him to deal with it—that is, in a way that no riot shall ever take place there again. I have been reading all the reports about the riots which I could get hold of and the press communiqués issued by the Government. They all say : "In this case the Muhammadans have been looting the Hindus" or "In this case the Hindus have been looting the Muhammadans". Well, we do not want to know that ; because when there is a breach of the peace there must be one party who is more guilty than another : that is for the courts to decide ; they will punish the guilty party. But what we want to know is this—and that element has been strangely wanting in the reports so far as I can see—was it or was it not in the power of the local officer to stop it ? The question is not whether he took the necessary steps to stop it after it commenced, but could he not have prevented it ? In all these reports placed before us, where is there any indication that the Government directed their attention to that fact ? Do the Government say this in any of their press communiqués ?

THE HONOURABLE SIR ALEXANDER MUDDIMAN : Certainly.

THE HONOURABLE SIR SANKARAN NAIR : I have not seen them ; I should like to read them if you have any. I have not seen any of them. That is one thing. If the local officers know that the Government will be down on them if a riot takes place there, you may be sure that even if it takes place once it would not take place twice. I do not propose to throw any obstacles in the way of this Bill or to oppose it in any respect. I fully accord my support to it. My only complaint has been that the Government are weak, that they have not dealt with the issue as it should have been dealt with ; that is my only complaint on that matter. I do not agree with my Honourable friend on my left when he says that the whole thing will be over in two years' time, because I do not think it will be over in two years' time ; it will take a longer time ; but if the Government act as I hope they will act, it will be over in two years' time.

THE HONOURABLE MR. D. WESTON (Bihar and Orissa : Nominated Official) : Sir, in view of what has fallen from the last Honourable speaker I should like with the permission of this House to give them my personal experience of the last Bakr Id. I may say in preface that when I am not attending this Council I am in charge of a division in Bihar. And I was so in charge at the time of the Bakr Id. For some weeks—more than a month—previous to this festival, the district officers had taken the very greatest pains they could to prevent any outbreak of any sort occurring. In addition to the ordinary police precautions, they had formed not only at the divisional headquarters, but at district headquarters, sub-divisional headquarters, in thanas and in big villages, conciliation committees, and I must say that the Hindu and Muhammadan gentlemen who joined those did very excellent service which I am very glad to have this opportunity of acknowledging.

Afterwards when all the occurrences were over, I had deputations of leading Hindus and Muhammadans waiting upon me ; they were full of praise for the preventive action taken by the district officers, both magisterial and police, and, further than that, the Hindus said they had no complaints against the Muhammadan police and the Muhammadans said they had no complaints against the Hindu police. I submit, Sir, that appreciation cannot go any further than that in these days. Well, Sir in spite of all these preventive measures that were taken, there are at present—and I ask the Council to mark this—there are at present no less than 300 men under trial in two districts for mischief, looting, rioting, arson and murder. As soon as the days on which *kurbani* or cow-sacrifice takes place were supposed to be over, I went out into the district where there was the greatest trouble and found to my astonishment that there were no Magistrates in headquarters. We have a rule in our province—I do not know whether it obtains anywhere else—that armed police should not be sent out unless they are accompanied by a Magistrate. The disturbances were so wide-spread that every Magistrate was out with bodies of armed police,—they were practically turned into policemen. In fact so great was the demand for them that we even had to put probationary deputy sub-magistrates in charge of armed police. Fortunately we had not to use arms because most of these young gentlemen have never even seen a bullet fired, much less fired one themselves. Now it may be argued that this trouble is due to the Bakr Id and is not likely to occur again. We all know that disturbances always do occur at that time and we always are prepared for it. But on this occasion there were only one or two instances where the trouble did occur owing to cow sacrifice ; but they were very few indeed. Most of them occurred over the most trivial matters. I will give an instance of one such incident. There was an old woman—a Hindu—who went into an orchard belonging to a Muhammadan and stole some mangoes ; the owner or his servant came and seized her, took away the mangoes and turned her out. She went to the village and told the people there how she had been beaten very badly by the Muhammadans. I may say that she did not have a mark on her ; but they at once turned out and a riot ensued with very dire results. There were other cases, too, in which harmless wayfarers were molested and beaten. In cases like that we could not take preventive measures ; we could not foresee that an old lady would steal mangoes and that a whole village would turn out to support her ; we could not foresee that attacks were going to be made on certain wayfarers passing along the roads. So when it is said that district officers were not taking preventive measures I say they are unjustly attacked ; they had done all that they possibly could. When I inquired into what they had done I found that several of them for two or three nights in succession had never been to bed—the District Magistrate himself had been out for two nights—and that was because, as soon as they heard that mobs were assembling at a particular place they at once went out in any conveyance they could get and endeavoured to stop the disturbances before they got out of hand entirely ; and some of the inferior officers too exhibited the greatest courage. There was one case in which a constable who was out on some other duty, heard that a mob had assembled in a certain village ; he called for the local chaukidar, rushed there and found a mob of some five hundred people assembled with *lathis* ; he ran up to them and said : “Look here ; the District Magistrate is coming in a motor car

with cars full of armed police : you had better be off." I may say that the District Magistrate and the nearest armed police were then about twenty miles away. However, I presume this constable in his spare moments at the thana probably played poker ! Anyhow the bluff came off, and the mob dispersed. Sir, when the officers are doing their best, it is our duty to do everything we can to assist them. It has been pointed out by the Honourable Mover of this amendment that this is a preventive section, and I think it must be admitted that if we can seize inflammatory literature—while it is only a spark and before it becomes a blaze—if we can confiscate the poison before it is administered—there is no use in letting it be administered and then trying to find an antidote for it—we want to seize it before it is administered. The district officers want this power, the Local Governments want it, and I think, Sir, it is our duty here to give them what they ask for and see what effect it has. If it has not the desired effect, then we must ask for more power. But I have shown that they have been doing their utmost and now that they ask for this power, I hope this Honourable House will see that they get it.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, the Honourable the Home Secretary concluded his remarks with an appeal to this side of the House to live up to their professions and support Government in a measure of this kind. I am sure his appeal has not fallen on deaf ears. Even my Honourable friend, Sir Sankaran Nair, while he explained the operation of other similar Acts with which he found fault, has informed the House that he does not intend to oppose this measure. It is therefore for the House to consider whether the exceptional powers which Government are asking for should be given to them or not, and whether the time has arisen for it or otherwise. What they ask for is the power to search for and confiscate books, newspapers or any other documents which in the words of clause 2 (a) of the Bill " would promote or are intended to promote feelings of enmity or hatred between different classes of His Majesty's subjects ". In other words Government are now wanting the power which exists in regard to seditious literature to extend also to any inflammatory literature which will tend to excite hatred amongst different communities. As a layman, and not being conversant with law, so far as I understand the position, sections 153A and 99 do enable Government to prosecute people for seditious literature as also for inflammatory literature, but while they can confiscate seditious literature, they are not in a position to confiscate inflammatory literature which this Bill proposes to enable them to do. If that is so, then they are not asking for anything which may be considered extravagant, particularly in times like the present. One cannot help admitting, with great regret, with great chagrin —nay with great shame—that communal riots in this country have extended very considerably, and Government do require every possible support in order to enable them to maintain law and order. There is perhaps another reason as well, and that may be due to the decision in a case in the Calcutta High Court. A leading paper in that city, the *Forward*, was prosecuted for reproducing in its columns a pamphlet, the language of which might be described as inflammatory. That paper in its defence urged before the Court that it did reproduce the pamphlet, but that it certainly was not in sympathy with the contents of the pamphlet, as was proved by a leading article in the same issue of that

paper. The Judge who tried this case,—I believe it was Mr. Justice Rankin,—decided that the paper could not be prosecuted for reprinting a copy of the type of such literature with which that paper itself did not sympathise. I suppose that this decision has made Government think that it does leave a loophole for irresponsible papers to publish with a vengeance inflammatory leaflets in their columns, and therefore, if this power is given to them, the mischief can be stopped.

Whilst, therefore, I support the Bill, I must confess that I do not agree that it should remain permanently on the Statute-book. In every land, where there are religious differences, there are bound to be differences of opinion which sometimes result in communal riots and disturbances. This has been so in India in the past, but such occasions were few and far between. If they were oftener, then surely Government would have come forward many years ago to ask for the present exceptional powers which they are now demanding. They certainly consider it necessary to do so now on account of the repeated and frequent communal riots that have taken place during the last few months, but let us hope these riots are only a passing phase. Let us hope that with the advice given by His Excellency Lord Irwin to the communal leaders and also the steps which the communal leaders themselves are taking, they will prove a passing phase, and that, before long, we shall be rid of these disturbances which seem to be the order of the day to-day. My Honourable friend Sir Sankaran Nair said that he does not think that this is a passing phase, and that these riots and disturbances will not stop in the course of the next two or three years. I am not so pessimistic as he is. I certainly believe that with proper action taken by Government with the help of the powers which we shall give them by this Bill and with the steps which the communal leaders are taking, things will be restored to their pristine condition before long, and consequently, I appeal to the Government Benches not to put this measure permanently on the Statute-book. I am glad my friend sitting on my right has tabled an amendment whereby he would limit the measure to two years. It may be argued that at the end of two years the position may not be very different. If that be so, then there is nothing to prevent Government from coming forward and asking this House, as well as the other House, for a continuance of the measure for a further period, and if that is done, I am confident that both the Houses will readily give their support to the Government if the circumstances warrant it. Perhaps some Member on the opposite side might get up and say that at the end of two years we might propose that the Bill be repealed, but asking for a repeal is very different from Government themselves limiting it to a fixed period and only coming forward to ask for a continuance of the measure should it be found necessary to do so. I may remind Honourable Members on the opposite Benches of the irritation caused by similar Acts, the Rowlatt Act and many others of the same kind. They certainly created a tension between the Government and the public and I do say that to allow this Bill to remain permanently on the Statute-book will help to accentuate such tension. I certainly say the Bill requires to be supported but I do appeal to Government to see that this Bill is not made a permanent measure.

It will be regarded as an encroachment on the rights of the Press, as my Honourable friend Sir Sankaran Nair has put it to the House. I may ask

Government to consider what its own supporters in the Press have said on this question. I do believe that if any newspaper has consistently supported Government more than another it is the *Statesman*, and yet what does that paper say? In its issue of the 24th August, it says:

"The Bill wears the aspect of panic legislation, and panic legislation is almost invariably bad."

Then it goes on to say:

"As it is scarcely possible to write a sentence upon Hindu-Muslim differences that is not regarded as offensive by one party or the other the Bill may conceivably be taken as a general licence to confiscate all publications on the subject. To put polemical writing on the same plane as sedition seems to us a very dangerous extension of the law into the field of conscience."

Now, Sir, no matter what that paper has said, I may assure the Honourable the Home Secretary who has moved this Bill that, so far as Honourable Members on this side are concerned, they are willing to extend to Government in times like the present the powers they ask for but with the reservation that I have mentioned in regard to time.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I whole-heartedly support this Bill. There is practical unanimity in support of the principles underlying this Bill that the mischief done by the spread of inflammatory literature should be stopped. My Honourable friends on the opposite Benches while supporting this Bill have asked Government not to put it on a permanent footing, but the provisions of the Bill are not really such as should cause any apprehension in the minds of my friends. What does this Bill really seek to do? That is the first point to be considered, and in judging of the question whether this legislation should be of a permanent or a temporary character, we have to ascertain what is the exact nature of the legislation that is brought forward.

Now we have in this country a law which permits confiscation of presses for seditious matter. The Government come here and ask the House to give them sanction to a similar power being embodied in the Criminal Procedure Code for the confiscation of literature which is calculated or intended to promote feelings of enmity or hatred between different classes of His Majesty's subjects.

THE HONOURABLE SAIYID RAZA ALI : "Any matter which promotes or is intended to promote feelings of enmity, etc."

THE HONOURABLE SIR MANECKJI DADABHOY : If there is justification for the retention of the power regarding seditious literature, is any Member of this House in a position to contend that there is less justification in more important cases where enmity and bitterness are created between races, and if in one case this power of a permanent character is required, can it be logically argued that in another that power should be permanently withheld? I am unable to understand any distinction drawn in a matter of this kind. If the power is good, give it; if the power is not proper and not reasonable, by all means reject it, but do not say : "Keep this legislation only for two years or one year or three years." The danger of adopting piecemeal measures is much more serious. Once the law is passed, whether it is good or bad, it will remain on the Statute-book. Nobody thinks of it, but if we go in for

a limited period then when it expires a fresh motion is made in the House and the controversy is unnecessarily kept alive. I say it is an unwise policy ; it is inexpedient from all points of view that when legislation of a salutary and wholesome character is brought forward that it should only be fixed for a limited period. I abhor bitterness and controversy being kept continuously alive in the country with a fresh motion every two years for the continuance of the measure.

THE HONOURABLE SIR ARTHUR FROOM : Sir, on a point of order, we are not discussing the amendment that this Bill should remain in force for a period of two years.

THE HONOURABLE THE PRESIDENT : The Honourable Member is aware of the fact that I allowed the Honourable Sir Phiroze Sethna to deal with the question of the permanent or temporary nature of the measure, and I am allowing the Honourable Sir Maneckji Dadabhoy and other Honourable Members also to deal with that point on this motion.

THE HONOURABLE SIR ARTHUR FROOM : Will the Honourable Sir Phiroze Sethna be allowed to speak again on the same subject ?

THE HONOURABLE THE PRESIDENT : The Honourable Member should not ask a hypothetical question.

THE HONOURABLE SIR MANECKJI DADABHOY : I therefore do not see the advisability of such a restrictive legislation. I think, therefore, that all this agitation is unnecessary. Perhaps our friends are not aware that the Legislature had this power in the Press Act. That Act was repealed a short time ago and unfortunately through an oversight, Government's attention was not drawn to the provisions of section 99A.

THE HONOURABLE SAIYID RAZA ALI : Why did not you do so ?

THE HONOURABLE SIR MANECKJI DADABHOY : It was also an oversight on my part.

Now, Sir, Government are not asking for any new piece or form of legislation. The Press Act among other powers gave the power of confiscation. The law did exist. I say by an omission advisedly, because I am not inclined to believe that it was a deliberate omission on the part of Government. I do not believe Government could have abandoned such an important power. During the last few years since 1922 when the Act was repealed, special powers of this nature were perhaps found to be unnecessary, but during the last few months riots have taken place in Calcutta, in Rawalpindi, at Kohat and various other places, which have made it necessary for Government to be armed with a weapon more useful, more prompt, and of a more determined and effective character, and Government come and ask for this additional power. Now my friend, the Honourable Sir Phiroze Sethna, in his exuberance of displeasure has referred to the Rowlatt Act. Does my friend know that the Rowlatt Act, though it existed on the Statute-book for several years, was not put into operation on a single occasion ?

THE HONOURABLE SIR PHIROZE SETHNA : I know that quite well.

THE HONOURABLE SIR MANECKJI DADABHOY : Why ? Because the legislation was there, the Act was there, there was the deterrent effect of that legislation.

THE HONOURABLE SIR PHIROZE SETHNA : Why then did they allow it to be repealed ?

THE HONOURABLE SIR MANECKJI DADABHOY ? On account of the clamour of the party to which the Honourable Member has the honour to belong.

THE HONOURABLE SIR PHIROZE SETHNA : Thank you.

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, therefore I am firmly of opinion that when Government are armed with this power, when people know that the disseminators of poisonous literature and literature of an inflammatory character calculated to promote ill-feeling between races, when the organizers and perpetrators of such mischief themselves know that their property is liable to be confiscated, they will soon stop indulging in pursuits of this character, and so in my humble opinion this legislation is most urgent and very welcome. Government think that this power will be useful to them. What right then have we, particularly, when we know that this power existed before and when we know the harmlessness of the power, to take objection ? Sir Sankaran Nair said : " Why did not Government put its strong foot down and stop all this lawlessness ? " Government are asking you to equip them with this power to stop this lawlessness and how logically can you refuse to give them that power ? Let us not be swayed by sentiment. It does not take away the liberty of any man. As the Honourable the Home Secretary said, it will only take away the liberty of the man who is ready to commit mischief and a breach of the common law. We are not here to protec the malcontents and the wrongdoers ; so for God's sake do not mix up liberty with license and the unpardonable crime of some of these people who are bringing ruination to the country and who are fanning and fomenting discontent and causing grave nuisance in the country. Remember that they are destroying all chances, all possibilities of your obtaining self-government. If you have got self-government at heart, whenever measures of this character come up, give your ungrudging support to them. It is in that way alone and by recognising our responsibilities as citizens that India will attain to the status of self-government.

THE HONOURABLE MR. A. M. STOW (Delhi : Nominated Official) : As one with some practical experience of the last five months in Delhi, I may, perhaps, be permitted to give the House an account of some incidents which illustrate what communal bitterness means in the great cities of Northern-India. For months the atmosphere has been charged with open suspicion and suppressed excitement. The most trivial incidents have been seized upon as opportunities for displays of communal feeling. On one occasion a tramway conductor, a Hindu, sought to recover his fares from some Mussalman boys who were enjoying a free ride by jumping on and off his car. Before he knew where he was, he found himself the centre of a mob of excited partizans of either community, and he was with difficulty extricated by the kind offices of a passer-by and by the arrival of the police. On another occasion a game of *kabaddi* indulged in by some Hindu and Mussalman boys suddenly developed into a communal quarrel of such dimensions that the police had to be called in to suppress it. Both these incidents, I am glad to say, ended before the parties actually came to blows. But I could quote dozens in which serious

trouble was only averted by the action of the police or by some interested and kindly intentioned citizen. I regret to state that on two other occasions we were less fortunate. As is well known, the rioting during the Bakr-Id festival was caused by a run-away tonga driven by a Mussalman knocking down a Hindu. Only last Friday the Chandni Chowk was the scene of a somewhat serious affray in which brickbats and *lathis* were freely used. Now the immediate cause of this outbreak was this. A bank messenger, a Hindu, had been severely reprimanded by his bank manager, also a Hindu, for impertinence to a Muhammadan client of the bank. Thereupon the chaprasi took certain of his friends and proceeded for some act of revenge to the shop of the Mussalman, and thereupon a disturbance arose. Now, Sir, I would ask the Honourable Sir Sankaran Nair whether he thinks that it is easy to take precautions and measures against incidents such as those I have described. In fact, Sir, the situation may be summed up in the words of a War Office notice which I once saw displayed on an artillery range : "Caution ! these explosives are liable to explode." Should we be surprised that the Government, having the power to deal with the man who throws a bomb into this explosive material should, also seek to take power to deal with the accumulation of bombs collected by that misguided individual ?

THE HONOURABLE SIR DINSHAW WACHA (Bombay : Nominated Non-Official) : Sir, I strongly support this Bill. I am especially confirmed in my opinion that I should support it after what has fallen from the Commissioner of Delhi and the other Honourable gentleman on the opposite side from Bihar, and also after what has fallen from my Honourable friend Sir Sankaran Nair. The fact is that this inflammatory literature is spreading and spreading and there is no doubt that this inflammatory literature is one of the causes of recent riots ; and therefore when Government take strong measures for the purpose of protecting the lives and properties of the most peaceful and law-abiding citizens to be counted by millions, I think this law is essentially necessary, and should be supported wholeheartedly. But I will give you another reason for giving it my cordial support. I do not know whether my colleagues, the Honourable non-official Members, know that there has been a Parliamentary blue-book just published by the Home Office in England in which no less than fifty out of a large number of letters, which were seized by order of the Government at home last October are published. Surprise raids were made on many of the mischievous Communist organizations here and there in England by Scotland Yard. The Government considered it necessary, particularly in view of the attempted General Strike by the coal miners, to publish them in order to prove the revolutionary character of these organizations. The book, which can be had for three shillings, has been specially published for popular information. Honourable gentlemen who read it will find that these organizations are broadcasting inflammatory literature in all parts of the British Empire, including India, by various means. What those abominable means are will be found in that blue-book which he who runs may read. This poisonous literature is vastly increasing and gathering great force. When such a state of broadcasting exists, who will deny that it is time for Government to take what steps they deem most proper as a precautionary measure ? Honourable Members will probably be astonished to hear that these organizations are growing stronger in spreading their literature, the sole object of which is

revolutionary, and are in communication with some of the well known members in India among whom there are three belonging to the Legislature. They are named in the glossary and you can read them for yourselves. What those are doing in communication with these revolutionary bodies we cannot say. But I would ask you to read that publication in order to learn for yourselves what I am saying and how India is being gradually drawn into their vortex more and more by their inflammatory literature, the sole objects of which is, I repeat, a bloody revolution. Here the British Government's first and most responsible duty is to keep law and order. What is the British Government here for? They have been here for the last 150 years; they have brought law and order and established Pax Britannica; and now that the mischievous organizations of a foreign Government are trying to incite the population of India by means of their propaganda in an indirect way, to create trouble in the British Indian Empire particularly on the Frontier, as my Honourable friend Sir Umar Hayat said, it is absolutely necessary that our Government should be fore-armed. I do not believe that this inflammatory literature will cease to circulate. It will increase; and I entirely agree with Sir Sankaran Nair when he said that it was no use having a law like the one now before us for only two years. You can repeal it later if you do not want it after two years; but it is of no use asking the Government to come again every now and then and have to reintroduce it. A permanent law is like Damocles' sword always hanging over the heads of those who are keen on giving trouble to the Government and it is but right and proper that the Government in their efforts to protect millions of peaceful citizens in their avocations should have brought up this Bill. I repeat, therefore, that I strongly support the Bill.

THE HONOURABLE MR. J. CRERAR: Sir, the course of the debate has, I am gratified to say, relieved me of the necessity of replying at any length because no Honourable Member in any part of the House has so far raised any objection to the principle of this measure. As regards the question of its duration, to which a certain amount of attention has been directed, I should prefer to reserve any remarks I may have to make for the stage when the amendment on the paper may be moved. At present I shall only say that this question was very carefully considered by Government. It was their deliberate intention that this amendment of the law should be permanent and, after giving careful consideration to all the various arguments to the contrary, they still remain of that opinion.

The only observations I have to make refer to the remarks made by the Honourable and learned Member from Madras whose absence from his place I regret. He supported—at least I understood him to say that he supported—the measure, but his support was given in language which I cannot allow to pass without some comment. In the first instance the Honourable Member criticised the Government: he imputed to Government a large measure of inactivity and almost of pusillanimity. He criticised even the wisdom of this measure because he said it would do nothing more than excite further ill-feeling against Government. Now I should like the House clearly to understand that in introducing this measure Government were not in the least degree actuated or influenced by any consideration as to whether the measure would be unpopular in the sense in which it was represented as likely to be

unpopular by the Honourable and learned Member. I take it that the ill-feeling which the Honourable and learned Member referred to was on the part of persons who offended against the law, and I think that as against the ill-feeling entertained against Government by persons of that character, the Government would have a good deal of sympathy from all right-minded people.

I would only observe that, in so far as the Honourable Member's remarks are criticisms of Government, while he has been very free in his strictures, he is exceedingly reticent in his practical suggestions. He said Government should put their foot down. I am not quite sure whether some of the remarks which fell from my Honourable and gallant friend, Sir Umar Hayat Khan, were not a reply to the Honourable and learned member from Madras, but I do not propose to dwell further on this question. The only concluding words which I desire to say relate to the strictures passed by the Honourable and learned gentleman upon the district officers. He gave it as his deliberate opinion that if, wherever a communal riot occurred the local officers responsible were strictly called to account, these riots would speedily cease. In other words he imputed the main cause of these riots to laches on the part of local officers. That is a position which I desire to repudiate in the most express terms. Two Honourable Members of this House have given to the House their own personal experiences relating to the disturbances and I need not recapitulate what they said. I would have inquired of the Honourable Member if he were here: Does he really and seriously expect the House to support him when he suggests that the local officers should have some strange clairvoyant premonition of the intentions of an old woman in the matter of mangoes, or that they should have some preordained knowledge that a tonga pony is going to bolt or have some inspired insight into the regrettable tendencies towards insolence of the chaprassi of a bank in his dealings with a Muhammadan merchant? If the Honourable Member seriously considers that any failure to predict beforehand such unfortunate aberrations of the human mind should be punished he does, in effect, I think, attribute a degree of almost supernatural wisdom to local officers, which may perhaps be justifiable but which should not lead up to the inferences which he draws.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras : Non-Muhammadan): Sir, I beg to move the following amendment which stands in my name. It reads thus:—

"That clause 1 be re-numbered as sub-clause (1) of clause 1 and the following be added thereto, namely:—

“(2) It shall remain in force for a period of two years.”

Sir, the effect of my amendment is to limit the operation of this Bill to a period of two years and to prevent its being placed on the Statute-book permanently. Sir, I move this amendment with considerable diffidence. A similar amendment which was supported in the Assembly by what the Honourable the Home Member sweetly termed “reasonable opinion” was turned

down by him, not however as he assured us, without such "*earnest consideration*" as that opinion deserved. But here I am not so fortunate as to be classed among men holding reasonable opinions, for the simple reason that no Swarajist is a reasonable man in the estimation of my Honourable friends on the opposite Bench. I may therefore not have even the consolation of receiving an earnest consideration at the hands of the official spokesman in this House. I am not, however, much perturbed by that unpleasant prospect as it is not a new experience to me. But there is another reflection that has certainly a more real depressing effect on me. Some prominent elected representatives of the other House found fault with the Honourable the Home Member for his unreasonably stiff attitude in ignoring even "reasonable opinion," and attributed it to the thinness of the non-official ranks owing to Swarajist defection and the consequent consciousness of his own voting strength. But the Honourable the Home Member, very rightly in my opinion, repudiated that charge and asserted that he would have assumed precisely the same attitude even if the Swarajists attended in their full strength and would not have flinched from the duty of putting the enactment permanently on the Statute-book. In other words, he proclaimed to all those whom it may concern that the Government of India did not hesitate to disregard public opinion as voiced by the Assembly, whatever might be its volume or strength. By this declaration, Sir, both the Swarajists and the Honourable the Home Member stood vindicated, the former by their right perception of the futility of their participation and the latter by his outspoken admission of the truly autocratic and irresponsible character of the Government of India even under the so-called reformed constitution. In these circumstances, Sir, I cannot pretend to be able to summon the enthusiasm and courage needed for the discharge of my task. Nevertheless, I cannot desist from doing what I consider to be my duty to give expression to the general public opinion on this Bill.

I shall now proceed, Sir, to state my objections to placing this measure permanently on the Statute-book. It is unquestionably an extraordinary measure and arms the Executive and its agents with dangerously wide powers. The practically unrestricted power of search of all conceivable places, where offensive literature may be reasonably suspected to be found, certainly constitutes a serious menace even to law-abiding and innocent citizens. In the anxiety to trace the offending leaflet every Hindu or Muhammadan house can be searched by the police; and thus the peace and tranquillity of many a home may be threatened and several persons may be subjected to indignities even without my intentional abuse of powers. (*The Honourable Saigid Raza Ali*: "Not without a warrant"). A warrant can be issued at the request of the police, and it is always issued. Added to this there is the fact that the powers are also easily liable to abuse. In the first place, action is normally taken by Local Governments on the information of its Intelligence Department or similar agencies. In an atmosphere of communal tension the guarantee for the accuracy of such information is small, and so the chances of preventive or punitive action of a serious character being taken on unsubstantial grounds are great. In the next place, Sir, when communal feelings are embittered, it is not easy, humanly speaking, to expect officials belonging to the warring communities to act with that degree of care and impartiality which we have a right to demand from them. The probabilities in favour of their acting

according to their communal predilection and harassing under the colour of law, members of the opposite community, are very real and should be guarded against. Such an abuse of power, which is not unlikely tends to promote instead of allaying communal bitterness.

Then, Sir, there is another vital consideration of a very disquieting character, the effect of this Bill on the Press. The freedom of the Press is one of the most valued and cherished rights in every country. It is doubly so in this country where an infant nation which is subject to autocratic rule is struggling for its liberty. If newspaper offices are frequently searched under the provisions of the new law, a serious blow will be inflicted on the liberty of the Press. It is a notorious fact that the disposition of the bureaucracy is not a particularly friendly one to the Indian Press, specially the nationalist section of it, and the bureaucracy cannot be trusted to safeguard the rights of the Press. The Press, under the law as it exists even without the addition of this new Bill, is exposed to serious risks. A very respectable paper in the metropolis of Calcutta, the *Forward*, was prosecuted for doing a very legitimate duty and it had to go to the High Court to get justice. If a search precedes a prosecution under section 153A the trial of the Editor or Publisher will be seriously prejudiced as the preventive action taken by the Government may influence the judgment of the Magistrate.

I have said enough to give the House an idea of the extraordinary and repressive character of the measure. The Government were undoubtedly conscious of this fact and therefore dexterously chose a psychological moment for its introduction. They calculated that the Bill might not provoke violent opposition at a time when communal feelings attained their high water-mark and when people were disposed to acquiesce in, if not welcome, any device which has a pretence to ease the situation. But it must be remembered that even those who gave their support to the measure, merely expressed their readiness to tolerate it as a necessary evil for the time being. It is therefore unreasonable on the part of the Government to exploit the situation more than the circumstances justify. It is wrong to take advantage of the present phase of communal strife and make it a pretext to give a measure of this character a lasting place on the Statute-book. Section 99A of the Criminal Procedure Code as it stands now is rightly confined to seditious literature. Sedition is a most serious offence against the State and is punishable with transportation for life. An offence under section 153A on the other hand is a much less serious one in the opinion of the framers of the Indian Penal Code and is consequently made punishable with imprisonment for two years. Inflammatory communal literature, therefore, bears no analogy to seditious literature and the attempt to place these two permanently on the same footing for the purpose of section 99A is absolutely unjustifiable. Section 99A permits the Executive seriously to trench upon the liberties of the subject and can only be justified by the need for protecting the paramount interests involved in the safety of the State. A similar encroachment on the liberties of the subject for the prevention of less serious risks cannot be justified on any sound principle of jurisprudence. There is reasonable opinion on my side on this point. If you agree that the editor of the *Statesman* is a reasonable man, I would like to quote one sentence from what he says:—

"To put polemical writing on the same plane as sedition seems to us a very dangerous extension of the law into the field of conscience. We can imagine circumstances in which

a report of a speech by a communal leader on the one side or the other would tend to promote feelings of enmity or hatred and the newspaper which reported that speech in the effort to discharge its duty of giving information to the public might subject itself to destruction. As it is scarcely possible to write a sentence upon Hindu-Moslem differences that is not regarded as offensive by one party or the other, the Bill may conceivably be taken as a general license to confiscate all publications on the subject."

If there is an emergency, let the Executive take from the Legislature limited powers to tide over the situation. It should not use its domination over the Legislature to grasp power which is not absolutely necessary. I believe it is in recognition of this sound principle that the bureaucracy agreed to the repeal of the obnoxious Press Law in 1922, in one of its lucid intervals. But the morbid desire for the intoxication of power is responsible for this attempt to re-introduce permanently a portion of that law within four years of its repeal.

My friend the Honourable the Home Secretary said that it was not a drastic measure, and that a very responsible leader of public opinion and the leader of the Swaraj Party had suggested an even more drastic measure. I wish he had paid some attention to some other proposals made by the Swaraj Party. It suited him now to do so, and I hope it will suit him on other occasions also to listen to what they say. One clear fact he forgets and that is that the disenfranchisement proposed by the leaders in question is not an encroachment on the primary liberty of the subject and does not involve curtailment of personal freedom.

THE HONOURABLE SIR ALEXANDER MUDDIMAN: Is that not a primary right?

THE HONOURABLE MR. V. RAMADAS PANTULU: It is not a primary right. I would remind the Home Secretary that at present that right is enjoyed by not more than 2 per cent. of the population of this country, while your measure really exposes to danger millions of citizens. Therefore, I request him not to bring that analogy into this question especially when he pays no attention to what Swarajists say on other occasions.

I am not disposed to say anything about Sir Maneckji Dadabhoy's declamation against Sir Phiroze Sethna's party and the party to which I belong. I do not feel called upon to reply to him, as I used to in the last Council because he does not now represent any constituency. He represents either himself or the Government. Having failed to come in by the front door of election he entered this House by the back door of nomination.

THE HONOURABLE SIR MANECKJI DADABHOY: I do not. I oppose Government; I opposed them many times this week.

THE HONOURABLE MR. V. RAMADAS PANTULU: Therefore he represents only himself or the Government, so I need not answer him. I may remind him, however, that he is not the only man who has a stake in this country. All of us love peace and order in this country and all of us will be affected adversely by disorder. I would like to state for the benefit of the Government that when proposals come from this side of the House they do not come with any ill-feeling or with any bad motives. The interests of the country are dear to us as much as to them.

In conclusion, I desire to point out that the measure at best is of doubtful utility. The Government can do little to cure communal trouble by repressive legislation. The real remedy lies in dealing with the inner causes and not with merely outward symptoms of the disease.

With these words I commend my amendment to the acceptance of the House.

THE HONOURABLE SIR ALEXANDER MUDDIMAN (Home Member): Sir, I should not have inflicted any remarks on this House except for two reasons; the first is that I very rarely have the opportunity of coming here, and the second is that this is a Bill of very considerable importance. Anything I say is not likely in the least to add to the able presentation of the case made by my Honourable friend Mr. Crerar, nor indeed is a very forcible presentation of the case necessary in a House which appears to be decidedly friendly to the Bill. My Responsivist friend opposite who has recently spoken, said that reasonable opinion should support his amendment. At any rate I will congratulate him on taking a more reasonable course than the rest of his Party in being here to represent their views in opposing the Bill. It looks to me as if had his friends in the other House taken the opportunity of which he availed himself, it is improbable that the Bill would be before this House to-day, and he would not be in a position to say I had not attended to reasonable opinion. Sir, the case before the House is in a nutshell. With the exception of my Honourable friend who has just spoken the House is favourable to this Bill. He undoubtedly is in effect opposing the Bill, and merely moves on his two years' extent because he knows he will get no support for direct opposition. It is not a real two years' amendment. The choice he puts to the House is not a question of a temporary or permanent measure, but of a measure or no measure. I have no doubt that many gentlemen who spoke on the motion for consideration do take the view that they would like the Bill for two years, but it is quite clear that the actual Mover of the amendment is against the Bill. He says in effect that "I cannot hope to throw the Bill out and will therefore make it as limited as I can." From his point of view I do not blame him. It is quite reasonable tactics. If I were in his position, I would probably do the same thing; but it is well to call a spade a spade. Now, Sir, I have from the beginning made it perfectly clear in the other House, and I will endeavour to make it perfectly clear in this House that this Bill was not brought forward by Government as an emergency measure at all. It was brought forward as a definite proposal to stop a leak in the law. Prior to the repeal of the Press Act of 1922, at which time section 99A was inserted in the Criminal Procedure Code, Government had the power of forfeiting these inflammatory writings. I explained to the other House, as I explain now, that I do not understand why, when section 99A was under consideration, that point was not taken up. I have had the papers searched and the only thing I can find is a note by one of my predecessors that this is a power which Government should retain. Why in the general welter of the discussion around the repeal of the Press Act that escaped attention is more than I can say. But these are the facts and therefore it is quite wrong to say that I ever brought this forward as an emergency measure, or that I base any arguments on emergency. I say there is a defect in the law and that it is a defect which must be remedied. That defect has remained since 1922 and we are suffering from the accumulative effect of that defect now. That is one of the

reasons why we are in such a bad position. If you are deprived of a power which you ought to have, the accumulative result of that defect is considerable, for the power is not merely useful for the purpose of its actual exercise, but exists, as I think my Honourable friend said, *in terrorem*. If a man knows you have that power, he is careful not to bring himself within the scope of the exercise of that power. So I wish to make it perfectly clear that this is intended as permanent legislation. Therefore, I am not in a position to accept any amendment to reduce the term of its duration because we should be in exactly the same place in 1928 as we were in 1922. That, I think, was the main point which was made against the Bill.

Another point made against the Bill was that we were hitting below the belt in using a time of communal excitement for framing a Bill of this kind. Now I do ask the House, when is the time to bring forward a Bill, when it is needed or when it is not needed? If I were to bring forward the Bill when it was not needed, you might say, "What are you doing, filling a theoretical leak in the law when there is no practical need for it?" To say I am taking advantage of a time of popular excitement does seem to me a most peculiar argument. Then my Honourable friend has pointed out that this is a Bill which confers dangerous rights on the executive authorities. That it confers powers on the executive authorities I agree; that it confers considerable powers on the executive authorities I also agree; that it confers powers on the lower officers of the police is not true and should not be said. The case is not bettered by overstatement. Furthermore, the restrictions with which this Bill is hedged round are remarkable. What sort of appeal has the man whose pamphlet or newspaper has been forfeited? A most extraordinary tribunal, three Judges of the High Court. Why the Legislature in its infinite discretion ever thought fit to constitute a tribunal of three Judges of the High Court I cannot imagine, but that is so, and we have given an appeal to that same tribunal. A man can be sentenced to death and hanged by the order of two Judges, but a tribunal of three Judges is necessary to uphold the confiscation of what is admitted on all sides of the House is often poisonous matter. Now, Sir, I hear day and night of the rights of the people, people's rights. Now everybody's rights are necessarily limited by the rights of others, and that is a thing I do beg the House to bear in mind. There are no absolute rights; no individual, no person lives *in vacuo* where he can say "I have the right to do this". And let me remind those who speak so loudly of right, that there is such a thing as duty; duties should be the correlative to rights. And, mark you, there is more required of a good citizen than a mere escape from the consequences of the criminal law. A citizen cannot be said to have discharged his duty merely because he does not fall within the scope of the law. He must do more. He has to live on those terms of amity with other citizens that make and alone make civilization possible.

There was one argument, a small thing, but it struck me as curious when I heard it. I do not wish to go into the actual point of whether the deprivation of the right of the franchise is a serious deprivation or not. I should like to say it does seem to me a curious argument to say that this Bill would affect more people than a proposal to deprive a whole constituency of the franchise. Now numerous as the newspapers are in India, I do not think—perhaps I might even say I rejoice in the thought—that they are as numerous as the two per cent. of the population which possesses the franchise in India. I trust, Sir, in these

remarks I must not be considered as in any way controverting in a contentious spirit those who put forward the view that this should be a temporary Bill.

I do feel and I ought to feel quite strongly that while one Honourable Member put forward that view merely with the object of opposing the Bill, there are others who would be glad to see it on the Statute-book for a short time. But, as I said, I cannot accept any amendment of that kind. The Bill was brought forward to stop a permanent leak in the law, and I trust this House will not be long in stopping that leak.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East : Muhammadan) : Sir, so far as the merits of the amendment moved by the Honourable Mr. Ramadas Pantulu in relation to the Government are concerned, I do not think it is necessary for me to enter into them after the speech that has been made by the Honourable the Home Member. I, however, deem it my duty to say a few words so far as the present amendment is going to affect future progress and specially the constitutional advance of this country. Sir, I have not the least doubt that my friend Mr. Pantulu is a patriot. I must also confess that the party of which he is a member, whether I agree with or differ from the views of that party, consists of men who are trying to serve the interests of this country according to their own lights. Having said so much, let me invite the attention of my Honourable friend and his Swarajist colleagues to the conditions which obtain in the India of to-day. Sir, I distinctly remember that in 1920-21—rather up to the middle of the year 1922—the Government were feeling extremely anxious owing to the agitation that was being carried on in those days. It is a matter of common knowledge how the Government and their responsible officials felt in those days. In fact, very high officials of Government plainly admitted that they were sitting on the top of a volcano and there was no knowing when the eruption would come. Now, may I invite the attention of my Swarajist friends to this fact. Is it not a fact that whereas the Government were sitting in the crater of a volcano in the year 1920-21, we, the people of this country, we Hindus and Muhammadans, who live and have got to live in this country side by side, actually find ourselves in the midst of a prairie that is on fire on all sides. What is going to be the end of this unfortunate communal strife and discord that is spreading on all sides? Sir, it is not a question of mere loss of property worth hundreds of thousands of rupees, nor is it a question of 10, 20, 100 or 1,000 lives being lost. The population is large enough, and the country after all, though poor, can yet at times I believe afford to waste property worth lakhs. Sir, what is most objectionable and dangerous is that atmosphere of distrust and suspicion which makes every Hindu distrust a Muhammadan and every Muhammadan distrust a Hindu. Instances have already been given by my Honourable friend Mr. Stow and the Honourable Mr. Weston. I am one of those who watched the incidents of three riots at Allahabad. I also know what gave rise to these riots. In fact, if you were to ask me what was the real cause of those riots, I would plainly say that there was absolutely no cause why these riots should have taken place except the utter want of trust and the existence of suspicion between the two communities. That was the real cause. Nobody actually knows what is going to happen at any particular moment, or what might not happen at any parti-

of a Swarajist? I ask myself—I pride myself on being a true nationalist—what is my duty as a true nationalist? Never mind what the Honourable Mr. Crerar thinks; never mind what the Honourable Sir Alexander Muddiman has said. What is the duty of our people? What is the duty of all those who want this country to be a self-governing country in as short a time as possible? Now is it possible that anybody can imagine for a moment that with the present poisonous atmosphere working its way from north to south and from east to west, though this atmosphere continues, though the country remains divided into two rival armed camps, one consisting of Muhammadans and the other consisting of Hindus—is it possible for the people of this country, is it possible for us Hindus and Muhammadans, to go to the Government and say: "No doubt there are quarrels amongst us, we are cutting each other's throats, we are also looting each other's houses, we are behaving in this most barbarous fashion, yet we ask you to give us self-government because the moment you concede it we will be able to do away with all these quarrels among ourselves!" Now is any sane man going to listen to a plea of this character? I say, therefore, whatever may be the duty of Government—and as the Honourable Mr. Crerar has pointed out the Government realise that they are responsible, as undoubtedly they are, for maintaining law and order in this country,—I submit that more even than the duty of the Government is it the duty of all those who have got to live in this country and who are not going on a campaign of *hejirat* to settle in another country, it is the duty of all of us so to conduct ourselves that these communal bickerings and strife and discord should become a thing of the past. May I ask my Honourable friend through you what have the Hindus and Muhammadans done since the year 1923 when that big riot took place at Multan followed by other big riots elsewhere? I am taking the biggest only. I am not mentioning the minor riots which in themselves had they taken place at any other time would have been important enough to attract the attention both of the Government and of the country. Now what have you done to remove that atmosphere, I ask? One big riot is followed by another and the feeling is growing from bad to worse all the time. Multan is followed by Kohat, Kohat by Amritsar and Amritsar by Lucknow, Allahabad and Calcutta, while it is simply an impossible task to enumerate all the riots, big and small, which have taken place in the Imperial capital, namely, Delhi. Now is that a record of which we can feel proud? Sir, unfortunately we have done nothing. I am not here to apportion blame between Hindus and Muhammadans. I have never attempted to do that in the course of recent rioting, but this much I must say, the leaders on both sides have failed, the leaders on the Hindu side have no more succeeded than the leaders on the Muhammadan side.

AN HONOURABLE MEMBER: What have the Government done?

THE HONOURABLE SAIYID RAZA ALI: I am very glad my Honourable friend has put me a very pertinent question. I will say this—speaking frankly on the floor of this House—that courageous as is the measure brought forward to-day by the Honourable Mr. Crerar the Government ought to have done more than they have done to-day and ought to have brought special legislative measures earlier. The Honourable Mr. Crerar's measure

meets only one case, namely, the case of poisonous pamphlets being published and handed round from one person to another. Now what about the authors of these poisonous pamphlets that incite people to commit excesses ? Have the Government done anything against them ? No, except in a few cases. And who is responsible ? Very largely the vocal elements. Even in the case of this small measure brought forward by the Honourable Mr. Crerar we find the Swarajist ranks opposing it and trying to put the blame on Government officials to whom the country ought to be thankful. I do not think I can congratulate Mr. Ramadas Pantulu on the speech he has made. That speech was very much like the speech made by my Honourable friend Sir Sankaran Nair. The whole argument was devoted against the Bill—with this difference that whereas Sir Sankaran Nair wound up by saying that he was prepared to give his support to the Bill, Mr. Ramadas Pantulu came to the contrary conclusion—though no doubt he said that under the circumstances he was prepared to agree if it was to be operative only for two years. Sir, if this is the attitude of the Swaraj Party in this House, for which I am exceedingly sorry, is it open to the Swaraj Party to turn round and say to the Government : " You have failed to do your duty." How could the Government do their duty if the Swarajists are not going to co-operate with the Government on this vital question ? I have got with me the full text of the letter that Pandit Motilal Nehru wrote to the *Pioneer* on Sir Tej Bahadur Sapru's proposal, but at this late hour I do not propose to detain the Council by reading it out ; but Pandit Motilal Nehru has committed himself to one thing of which the Honourable Ramadas Pantulu and the other Swarajists might take note. Writing on the proposal of Sir Tej Bahadur Sapru, Pandit Motilal Nehru says :—

" I do not share the misgivings that are expressed in your editorial note about the attitude of the Legislative Assembly towards such a measure. As the Chamber is constituted to-day it is not likely to show any tenderness to the class of gentry Sir Tej Bahadur Sapru has in view. Speaking for the Swarajist members I can say with confidence that if a measure of the kind were to come before them it would receive their willing support as a step in the direction they are working."

Sir, this is what the leader of the Swaraj Party has got to say and that is the amendment of my honourable friend, Mr. Ramadas Pantulu. They are speaking absolutely with two voices. I do not know whose voice we should listen to ; but so far as I can see it is absolutely impossible to reconcile the two tunes. (*An Honourable Member* : " Amendment is not opposition.") No, I do not say that ; but the point is this. To whose interest is it that this Bill should be placed on the Statute-book ? And why for two years ? Really if communal strife is a bad thing and if communal strife to this extent has manifested itself now that we have got no more than four annas in the rupee in regard to self-government, what is going to be our fate when we get self-government full sixteen annas in the rupee ? I am not a pessimist, but truly I do not know if the tension is going to increase with further constitutional advance as some people want to make out, on which question I am not expressing any opinion. I think it ought to be the duty of the Swarajists to see—indeed the demand should come from the Swarajists—that this Bill should be permanently placed on the Statute-book. An honest Swarajist should be the last man to say that its operation should be limited to a certain period only. Sir, with these words

I strongly oppose the amendment of my Honourable and respected friend, Mr. Ramadas Pantulu.

THE HONOURABLE THE PRESIDENT: The original question was:

"That clause 1 do stand part of the Bill."

Since which an amendment has been moved:

"That clause 1 be renumbered as sub-clause (1) of clause 1 and the following be added thereto, namely:—

'(2) It shall remain in force for a period of two years.'"

The question I have to put is that that amendment be made.

The motion was negatived by 30 votes against 8.

PRT III.

Selected Questions and Answers.

A—POLITICAL.

Wednesday, 18th August, 1926.

COMMUNAL RIOTS.

*Mr. Harchandrai Vishindas: 1. Will Government be pleased to state :

- (a) if they have collected any statistics as to the loss of life and other casualties occasioned by the communal riots during the last three years ?
 - (b) to what causes can such riots be traced ?
2. Do Government concede the right of communities to make use of the King's highways for their religious and other processions in the manner established by time-honoured usage without molestation from other communities ?
3. Will Government be pleased to ascertain whether it is true that in India music with processions was never objected to until very lately ?
4. Will Government be pleased to state if they have under contemplation any legislative or executive action for the restoration of whatever was the practice sanctioned by time and usage ?

The Honourable Sir Alexander Muddiman : With your permission, Sir, I propose to reply to this question by making the following statement :

Government agree that every citizen has the right to use the public highways for religious and other processions in the manner established by custom and tradition, but the right is subject to the exercise of the similar rights of others and to any orders passed in the public interest by competent authority.

Religious disturbances in India are no novelty unfortunately. They have occurred from time to time in many places, particularly when the festivals or holidays of the two great religions have fallen at the same season and when one party desires to lead a procession past places of worship belonging to the other or raises objections to the observance of some religious rite. I may mention as an instance that a memorial was submitted to the Government of India in 1882 asking them to maintain the existing practice by which music was stopped before a mosque in a certain town. The correspondence of the period shows that the question was then the cause of acute friction between the parties.

It is impossible to say when this particular objection was first raised or first gave rise to rioting. It is reasonable to suppose that it dates from a period of which no exact records exist.

The Government of India do not contemplate introducing legislation of the kind suggested. Apart from the difficulty of ascertaining in the face of conflicting reports and claims what the custom in a particular locality has been, His Excellency the Viceroy, in his recent speech at the Chelmsford Club in Simla, made it clear that in the view of the Government of India, the remedy for the present troubles is not to be sought in legislation but in an improvement in the mutual attitude of the leaders and members of the communities at variance. Executive action must clearly be left to the authority in immediate charge of the area in which trouble has arisen or is likely to arise and its character must vary with the circumstances of the place and the moment.

I place on the table a statement giving disgracefully long statistics of communal rioting for the whole of India for the last three years, so far as details of the occurrences have been reported to the Central Government.

Date.	Place of occurrence.	Casualties.
24th August 1923 .. Do. ..	Gonda, United Provinces ... Saharanpur, United Provinces	28 injured : no deaths. Total casualties 296 injured and 10 deaths.
26/28th August 1923 .. 6/7th September 1923 ..	Agra, United Provinces ... Saharanpur, United Provinces	2 persons killed. Number of casualties not re- ported.
21st March 1924 .. 12th April 1924 ..	Bagalkot, Bombay ... Kandhlia, Muzaaffarnagar, Unit- ed Provinces.	20 injured. 23 injured.
15th April 1924 .. 11th July 1924 ..	Harpur, United Provinces ... Ballia, Delhi Idgah Kohna.	Not known.
15th July 1924 .. 19th July 1924 ..	Sadar Bazar, Delhi ... Juma Musjid, Delhi	{ Killed 17, injured 150.
16th July 1924 ..	Liloosh, Bamangachi	27 injured.
11th August 1924 ..	Amethi, United Provinces ...	Not known.
11th August 1924 ..	Sambhal, United Provinces	Not known.
23rd August 1924 ..	Bhagalpur, Bihar and Orissa	1 killed.
30th August 1924 ..	Nagpur ...	1 killed.
9/10th September 1924 ..	Kohat ...	36 killed, 145 wounded.
12th September 1924 ..	Lucknow ...	4 killed and 30 injured.
22nd September 1924 ..	Saharanpur, United Provinces	6 killed and 104 injured.
7th October 1924 .. Do. .. Do. ..	Allahabad ... Saugor, Central Provinces ... Kankinara ...	8 killed and 110 injured. 30 injured. 6 injured.
8th October 1924 ..	Jubbulpore, Central Provinces	81 injured.
25th January 1925 ..	Khanna City, Ludhiana, Punjab.	None.
11th February 1925 ..	Fatehpur, United Provinces	8 injured.
9th March 1925 ..	Mandal, Viramgam, Bombay	3 severely beaten.
12th March 1925 ..	Bagalkot, Bijapur, Bombay	Some injured but detailed in- formation not furnished.

Date.	Place of occurrence.	Casualties.
16th March 1925 ..	Sadar Bazar Khari Bawli and Nayabans, Delhi.	21 injured and 1 killed.
17th March 1925 ..	Do.	36 injured.
2nd July 1925 ..	King George's Dock, Kidderpore, Calcutta.	38 injured, 4 seriously 1 of whom died later.
4th July 1925 ..	Talikot in Bijapur, District, Bombay.	No casualties.
2nd August 1925 ..	Sholapur District, Bombay ..	20 injured, one seriously.
15th August 1925 ..	Jalalpur, Fyzabad District, United Provinces.	16 injured.
Do. ..	Mirganj, Gopalganj Subdivision Saran, District, Bihar and Orissa.	Injured not known.
23rd August 1925 ..	Titaghur, 24 Parganas, Bengal.	9 injured.
30th August 1925 ..	Khamgaon, Central Provinces.	No serious injuries caused.
28th September 1925 ..	Bahraich District, United Provinces.	29 persons more or less injured, six seriously, one of whom not expected to recover.
13th October 1925 ..	Arvi Wardha, District, Central Provinces.	40 injured.
20th October 1925 ..	Uttangi, Bellary ..	3 killed; 5 seriously wounded, 22 slightly injured.
22nd October 1925 ..	Aligarh, United Provinces ..	6 killed, 130 injured.
26th October 1925 ..	Akola, Berar ..	2 severely injured. About 30 others slightly injured.
28th October 1925 ..	Sholapur, Bombay ..	2 killed and 22 injured.
February 1926 ..	Agra City, United Provinces.	1 old man badly handled by mob, not expected to live.
7th February 1926 ..	Madhi in Pathardi Mahal Ahmednagar District, Bombay.	6 injured not seriously.
11th February 1926 ..	Barondi, Patnagiri District, Bombay.	22 injured, 1 of whom died.
12/13th February 1926 ..	Rewari, Punjab ..	Several injured and 1 found dead.
2nd to 12th April 1926 ..	Calcutta ..	584 injured and 44 deaths.
14/16th April 1926 ..	Sassaram, Shahabad District, Bihar and Orissa.	20 persons injured, 2 of the injured died subsequently.
22nd April to 9th May 1926.	Calcutta ..	391 injured and 66 killed.
17th May 1926 ..	Kharagpur, Bengal ..	Total casualties believed to be 11 killed and 32 injured.
26th May 1926.	Hajinagar Paper Mills, Calcutta.	40 injured of whom 3 seriously.
1st June 1926 ..	Damoh, C. P. ..	7 persons injured.
22nd June 1926 ..	A village in Darbhanga District.	4 or 5 slightly injured.
Do. ..	Jhusi, village near Allahabad	1 killed and nine injured.
22nd June 1926 ..	Maksudpur, Thana Katra, Muzaffarpur District.	4 injured.
Do. ..	Singhsasan, Beniapatti Thana, Darbhanga District.	4 killed.

Date.	Place of occurrence.	Casualties.
23rd June 1926	Shankarpur, Sursand Thana, Sitamarhi Sub-Division, Muzaffarpur District.	No injured reported.
Do.	Bihar Sub-Division ..	No injuries reported.
Do.	Gaya	Do.
Do.	Sihali in Bara Banki District United Provinces.	9 injured, 1 seriously.
24th June 1926	Delhi	Total number injured 63 in- cluding 3 deaths. Number of casualties not re- ported.
Do.	Gobindpur Thana, Gaya Dis- trict.	2 attacked by mob.
Do.	Katra Thana, Muzaffarpur District.	
1st July 1926	Pabna	9 injured.
4th July 1926	Do.	10 injured.
15th July 1926	Karaachi	11 injured.
Do.	Caleutta	13 deaths and 109 wounded.
16th July 1926	Do.	2 killed.
19th July 1926	Do.	6 injured.
20th July 1926	Do.	1 killed.
21st July 1926	Purnea, Bihar and Orissa ..	1 injured.
22nd July 1926	Calcutta	3 killed and 10 wounded of whom 2 died later. 7 iso- lated cases of stabbing of which 2 were fatal.

B—SERVICES.

Wednesday, 18th August 1926.

INDIANISATION OF THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE SERVICE.

***Mr. E. Venkatapati Raju :** (a) In the matter of the Indianisation of the Indian Civil Service to the extent of half and half within 15 years, has the recruitment of 40 per cent. Indians to be direct and 20 per cent. promoted from the Provincial Service been put into force? What was the actual number of new recruits in 1924-25 and 1925-26 and how many of them were Europeans and how many Indians and how many promoted from the Provincial Services?

(b) In the recruitment for the Indian Police Service is 30 per cent. Indian direct recruitment and 20 per cent. promoted observed? What was the actual number recruited in 1924-25 and 1925-26 of Europeans and Indians respectively, and the number of Indians promoted?

The Honourable Sir Alexander Muddiman : (a) and (b). The proportion of Indians recommended by the Lee Commission for direct recruitment in these services has been adopted beginning with the recruitment for 1925, but the increase in the number of posts filled by promotion from Provincial Services to 20 per cent. is being introduced gradually

as the position in each province allows. The actual number of officers recruited in 1924-25 and 1925-26 is as follows :—

	Europeans.	INDIANS.	
		Direct.	Promoted.
Indian Civil Service ..	{ 1924-25 7 1925-26 3	16 19

The information regarding officers promoted from the Provincial Civil Service to listed posts is being obtained from local Governments and will be furnished to the Honourable Member as soon as it is complete.

As regards the Indian Police Service.	1924-25 18	8	5
	1925-26 14	7	9

INDIANISATION OF THE INDIAN FOREST SERVICE.

*Mr. B. Venkatapati Raju: Is the recommendation of recruitments for the Indian Forest Service by having 75 per cent. Indians observed, and how many were recruited in 1924-25 and 1925-26, Europeans and Indians, respectively ?

Mr. J. W. Bhore : Yes ; in 1924-25 six Indians and two Europeans ; in 1925-26 four Indians and one European.

INDIANISATION OF THE INDIAN SERVICE OF ENGINEERS.

*Mr. B. Venkatapati Raju: Is the recruitment of 40 per cent. Indians direct and 20 per cent. promoted observed in the Indian Service of Engineers and how many were recruited and promoted in 1924-25 and 1925-26, and how many Europeans were recruited in the same period ?

The Honourable Sir Bhupendra Nath Mitra : It has only recently been decided that the 60 per cent. Indian recruitment to the Indian Service of Engineers in the Irrigation Branch in provinces in which that Branch has been separated from the Buildings and Roads Branch, and in Assam, shall be divided into 40 per cent. direct-recruited Indians and 20 per cent. officers promoted from the provincial engineering services, and that the 67 per cent. Indian recruitment to the Service in Madras, which is the only province where the Irrigation Branch has not been or will not shortly be separated from the Buildings and Roads Branch, shall be divided into 45 per cent. direct-recruited Indians and 22 per cent. officers promoted from the provincial engineering services. Local Governments will shortly be informed of this decision.

The number of officers recruited and promoted to the Indian Service of Engineers in 1924-25 and 1925-26 is given below :

Year.	Europeans.	Direct-recruited Indians.	Promoted officers.
1924-25	11	14	1
1925-26	8	13	Nil, but it is proposed to promote 4 officers with effect from 1st October 1925.

RECRUITMENT OF INDIANS FOR THE POLITICAL DEPARTMENT.

***Mr. B. Venkatapati Raju:** Is the recruitment of 25 per cent. Indians for the Political Department given effect to and if not, why not ?

Sir Denys Bray : Yes, it is being slightly exceeded.

RECRUITMENT FOR THE IMPERIAL CUSTOMS SERVICE.

***Mr. B. Venkatapati Raju:** Is the recruitment for the Imperial Customs Service limited to half, and if so, in the Indian Branch how many Indians and how many domiciled Europeans or Anglo-Indians were recruited in 1925-26 ?

The Honourable Sir Basil Blackett : Excluding officers promoted from the subordinate ranks, appointments in the Imperial Customs Service are made in the proportion of two in India to one in England.

During the year 1925-26 there were no substantive appointments by promotion ; there were three officers appointed direct, of whom all were Indians, none being Anglo-Indians.

RECRUITMENT FOR THE SUPERIOR TELEGRAPH AND WIRELESS BRANCH.

***Mr. B. Venkatapati Raju:** Were 75 per cent. of the Superior Telegraph and Wireless Branch recruited in India in 1925-26, and if so, how many were Indians and how many Anglo-Indians ?

The Honourable Sir Bhupendra Nath Mitra : During 1925-1926 there was no recruitment for the Superior Telegraph Engineering Branch. One officer was recruited for the Wireless Branch and he is an Indian.

INDIANISATION OF THE SERVICES ON STATE RAILWAYS.

***Mr. B. Venkatapati Raju:** What steps were taken for Indianising the Services on State Railways, and was recruitment of the Services in other Railways improved in the matter of Indianisation, and what is the total number and number of Indians and Anglo-Indians actually recruited in 1925-26 in State and other Railways, respectively ?

Mr. A. A. L. Parsons : (a) The Government of India have accepted the recommendation contained in paragraph 42 (d) of the Lee Commission Report.

The attention of the Honourable Member is invited to the Government of India Resolution No. 2058-E., dated 15th July 1926, published in the Gazette of India of the 17th July 1926.

(b) 33 officers were recruited for the Superior Railway Services of State-managed Railways in 1925-26, of whom 12 were Indians and the rest Europeans. The low proportion of Indians is due to the fact that the great majority of the appointments were appointments of Mechanical and Electrical Engineers. Similar information is not available for Company-worked Railways. I may however remind the Honourable Member that the policy of Indianization has been accepted by the Company-worked Railways only very recently.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform the House, of the Indians who were recruited for the Superior Railway Services, how many were Anglo-Indians ?

Mr. A. A. L. Parsons : I have not got the figures here.

Friday, 27th August 1926.

RESERVATION OF A DEFINITE PROPORTION OF APPOINTMENTS IN THE INDIAN CIVIL SERVICE AND THE ALL-INDIA SERVICES FOR MEN IN THE PROVINCIAL SERVICES.

***Mr. K. C. Roy :** Will the Government be pleased to state what action they have taken on the Resolution passed by the first Legislative Assembly and the recommendation made by the Lee Commission, regarding a definite proportion of appointments to the Indian Civil Service and the other all-India Services being set aside for men in the Provincial Services ? Have Government considered the desirability of adopting these recommendations and putting a stop to direct nominations ?

The Honourable Sir Alexander Muddiman : As regards the Indian Civil and Indian Police Services, I would refer the Honourable Member to the replies given to questions (Nos. 148 and 377) asked by Rai Bahadur Girischandra Nag and Mr. W. M. Hassanally on the 15th September 1921 and 17th September 1924, respectively, and to the information furnished in reply to questions (Nos. 1371 and 38) asked by Messrs. K. C. Neogy and B. Venkatapatiraju on the 23rd March and 18th August, 1926, respectively.

Of the other All-India Services to which recruitment is still made, the Commission's recommendations in respect of the Indian Forest Service are still under consideration, though in Provinces where the subject of "Forests" is transferred the Local Governments have been empowered to make their own arrangements for recruitment.

The Commission's recommendations as regards the Indian Service of Engineers have, with one minor modification in respect of the Buildings and Roads Branch in Madras, been accepted and carried into effect.

The recommendations in respect of the Indian Medical Service involve the transfer of certain provincial medical appointments which are now held by Indian Medical Service officers to the Provincial Civil Medical Services of the future. It is not possible to say at this stage how many appointments will thus be thrown open either to direct recruitment or to men promoted from the cadre of Assistant Surgeons.

On the subject of nomination I would refer the Honourable Member to the concluding passage of my speech in the Council of State on the Resolution moved by the Honourable Saiyid Raza Ali on the 2nd of March,

1925. The Commission made no recommendation for the abandonment of recruitment by this method.

C—EDUCATION.

Friday, 20th August 1926.

EXPENDITURE ON THE VARIOUS FORMS OF EDUCATION IN THE AREAS UNDER THE DIRECT CONTROL OF THE GOVERNMENT OF INDIA.

***Mr. N. M. Joshi:** Will the Government of India be pleased to furnish a statement showing what they spend on primary education as against what they spend on higher and secondary education in each of the units of the territories directly managed by them, and state also the total amount spent on primary education as compared to secondary and higher education together in the whole area directly managed by them?

Mr. J. W. Bhore : A statement, giving the information required by the Honourable Member together with certain other relevant particulars, is laid on the table. The details in respect of the total expenditure of Rs. 29,150 on education in the Andaman and Nicobar Islands are not yet available and will be supplied to the Honourable Member later.

Budget Estimate for Expenditure on Education during 1926-27.

Territory.	Expenditure on—					Total expenditure on Education.
	University and Collegiate Education.	Secondary Education.†	Primary Education.	Special Schools.	Direction, Inspection and Miscellaneous.‡	
1. North West Frontier Province.	Rs. 1,78,200	Rs. 3,74,000	Rs. 6,39,000	Rs. 7,000	Rs. 1,51,800	Rs. 13,50,000
2. Baluchistan	1,25,440	80,890	11,980	50,600	2,69,000
3. Delhi* ..	1,73,600	2,92,400	93,500	13,200	45,300	6,20,500
4. Ajmer-Merwara ..	68,330	1,31,090	46,090	14,980	32,010	2,92,500
5. Bangalore* ..	10,000	1,66,100	67,700	23,130	46,070	3,13,000
6. Rajputana* ..	67,820	28,220	560	..	300	96,900
7. Central India* ..	50,000	20,060	22,840	..	6,100	99,000
8. Hyderabad*	8,700	7,180	1,020	2,200	19,100
9. Andaman and Nicobar Islands.		Details not yet available				29,150
Totals ..	5,47,950	11,46,010	9,57,760	73,310	3,34,970	30,89,150
		16,93,960				

* Mostly *urban* areas where institutions for higher education are concentrated.

† This includes expenditure on middle vernacular schools, which are classed as primary in the Bombay Presidency, and also that on the primary departments of the secondary schools which cannot be shown separately.

‡ Includes expenditure incurred on behalf of primary education.

Note.—Educational expenditure in politically administered areas is not included in this statement.

APPENDIX I.

Acts passed by the Indian Legislature during the Simla Session, 1926.

1. The Usurious Loans (Amendment) Act, 1926.
2. The Workmen's Compensation (Amendment) Act, 1926.
3. The Negotiable Instruments (Interest) Act, 1926.
4. The Indian Evidence (Amendment) Act, 1926.
5. The Administrator General's (Amendment) Act, 1926.
6. The Indian Companies (Amendment) Act, 1926.
7. The Sind Courts (Supplementary) Act, 1926.
8. The Cantonments (Amendment) Act, 1926.
9. The Code of Criminal Procedure (Third Amendment) Act, 1926.
10. The Indian Succession (Amendment) Act, 1926.
11. The Indian Bar Councils Act, 1926.
12. The Provincial Insolvency (Amendment) Act, 1926.
13. The Indian Succession (Amendment) Act, 1926.

APPENDIX II.

Bills pending before the Legislative Assembly after the Simla Session, 1926 and before dissolution.

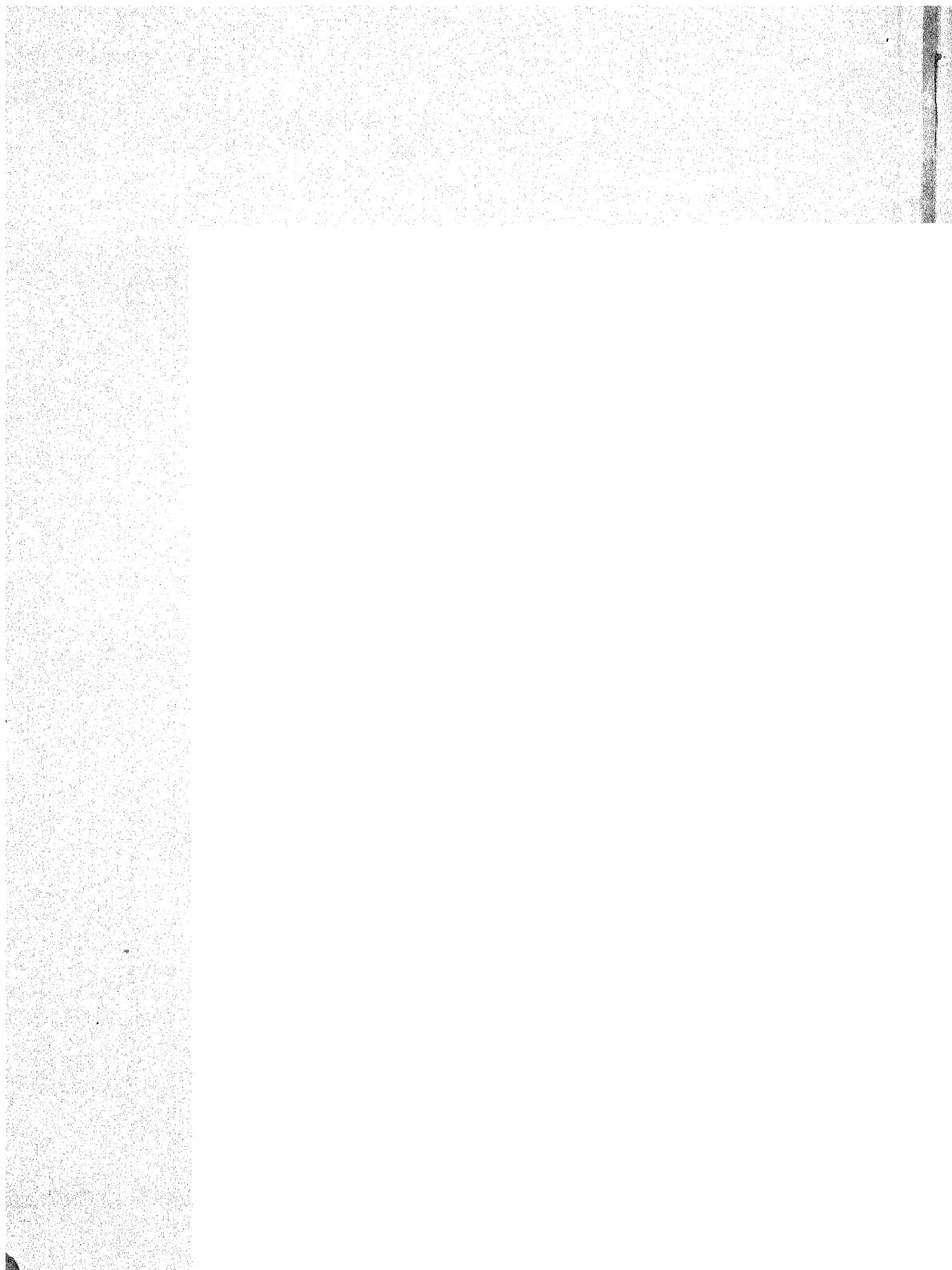
1. Court fees Bill.
2. Insurance Companies Bill.
3. Legislative Bodies' Corrupt Practices.
4. Indian Limitation (Amendment) Bill.
5. Code of Civil Procedure (Second Appeals) Bill.
6. Currency Bill.
7. Indian Factories (Amendment) Bill.
8. Hindu Coparcener's Liability Bill by Sir H. S. Gour.
9. Weekly Payments Bill by Diwan Chaman Lall.
10. Medical Degrees (Amendment) Bill by Mr. Kumar Sankar Ray.
11. Indian Arbitration Bill by Mr. Harchandrai Vishindas.
12. Criminal Law Repealing and Amending Bill by Sir H. S. Gour.
13. Code of Criminal Procedure (Amendment) Bill by Mr. K. K. Chanda.
14. Indian Medical Education Bill by Dr. K. G. Lohokare.
15. Indian Penal Code (Amendment) Bill by Sir H. S. Gour.
16. Indian Penal Code (Amendment) Bill by Mr. Rangaswami Iyengar.
17. Reservation of the Coastal Traffic of India Bill by Sardar V. N. Mutalik.
18. Code of Criminal Procedure (Amendment) Bill by Mr. Amar Nath Dutt.
19. Specific Relief (Amendment) Bill by Diwan Bahadur M. Ramachandra Rao.
20. Prevention of Deferred Rebates Bill by Mr. K. C. Neogy.
21. Prohibition of Export of Cattle by Pandit Sham Lal Nehru.
22. Indian Income-tax (Amendment) Bill by Mr. Amar Nath Dutt.
23. Code of Criminal Procedure (Amendment) Bill by Mr. Shanmukham Chetty.
24. Indian Evidence (Amendment) Bill by Mr. K. K. Chanda.
25. Imperial Bank of India Bill by Mr. B. Das.
26. Indian Registration (Amendment) Bill by Diwan Bahadur M. Ramachandra Rao.
27. Hindu Limited Owners Bill by Diwan Bahadur M. Ramachandra Rao.

N.B.—On the dissolution of the Assembly all the Bills pending before that Chamber lapsed.

APPENDIX III.

Bills pending before the Council of State after the Simla Session, 1926.

1. The Indian Medical Education Bill (by the Honourable Dr. U. Rama Rau).
2. The Hindu Family Transactions Bill.
3. The Indian Forest Bill.



INDEX.

A

	PAGE.
Ahmad, Mr. K.—	
On Resolution regarding regulation of the performance of religious Festivals, etc.	18
On Resolution regarding retention in its present site of Rameswaram Station on the South Indian Railway	86
Aiyangar, Mr. K. Rama—	
On Resolution regarding retention in its present site of Rameswaram Station on the South Indian Railway	82, 92
Aiyar, Sir P. S. Sivaswamy—	
On Resolution regarding Report of the Taxation Enquiry Committee	70
On the Code of Criminal Procedure (Third Amendment) Bill	114
Ali, The Hon'ble Saiyid Raza—	
On the Code of Criminal Procedure (Third Amendment) Bill	197

B

Bell, The Hon'ble Mr. J. W. A.—	
On Resolution regarding Report of the Taxation Enquiry Committee	174
Bills—	
The Code of Criminal Procedure (Third Amendment)	93-156, 176-197
The Currency	140-156
Blackett, The Hon'ble Sir Basil—	
On Resolution regarding the Report of the Taxation Enquiry Committee	59, 78
On the Currency Bill	140
Bray, Sir Denys—	
On Resolution regarding regulation of the performance of religious festivals, etc.	22

C

Crawford, Colonel J. D.—	
On Resolution regarding regulation of the performance of religious festivals, etc.	33
On the Code of Criminal Procedure (Third Amendment) Bill	107
Crerar, The Hon'ble Mr. J.—	
On the Code of Criminal Procedure (Third Amendment) Bill	176, 190

D

Dadabhoy, The Hon'ble Sir Maneckji—	
On the Code of Criminal Procedure (Third Amendment) Bill	186
On the Report of the Taxation Enquiry Committee	173

	PAGE.
Das, Mr. B.—	
On the Criminal Procedure (Third Amendment) Bill	97
Datta, Dr. S. K.—	
On the Resolution regarding regulation of the performance of religious festivals, etc.	20
Dumasia, Mr. N. M.—	
On the Code of Criminal Procedure (Third Amendment) Bill	186

F

Froom, The Hon'ble Sir Arthur—	
On Resolution regarding the Report of the Taxation Enquiry Committee	171

G

Gour, Sir Hari Singh—	
On Resolution regarding regulation of the performance of religious festivals, etc.	15, 37
On Resolution regarding the Report of the Taxation Enquiry Committee	74
On the Code of Criminal Procedure (Third Amendment) Bill	97, 130

H

Hussanally, Khan Bahadur, W. M.—	
On the Code of Criminal Procedure (Third Amendment) Bill	129
On Resolution regarding retention in its present site of Rameswaram Station on the South Indian Railway	90

I

Inauguration of the Fifth Session of the Second Legislative Assembly	1
Innes, The Hon'ble Sir Charles—	
On Resolution regarding retention in its present site of Rameswaram Station on the South Indian Railway	87, 92
Ismail, Khan Bahadur, Saiyid Muhammad—	
On the Code of Criminal Procedure (Third Amendment) Bill	135

J

Jaffer, The Hon'ble Sir Ebrahim Haroon—	
On Resolution regarding Indian Banking	163
Jinnah, Mr. M. A.—	
On Resolution regarding the Report of the Taxation Enquiry Committee	79
On the Code of Criminal Procedure (Third Amendment) Bill	121
On the Currency Bill	150

PAGE.

Jukes, The Hon'ble Mr. J. E. C.—	
On Resolution regarding Indian Banking	164
On Resolution regarding the Report of the Taxation Enquiry Committee	164, 175

K

Khan, Raja Ghazanfar Ali—	
On Resolution regarding regulation of the performance of religious festivals, etc.	29

L

Lajpat Rai, Lala—	
On Resolution regarding regulation of the performance of religious festivals, etc.	15, 41
On the Code of Criminal Procedure (Third Amendment) Bill	101, 132
Lindsay, Sir Darcy—	
On Resolution regarding retention in its present site of Rameswaram Station on the South Indian Railway	91
On the Code of Criminal Procedure (Third Amendment) Bill	139

M

Macphail, The Rev. Dr. E. M.—	
On Resolution regarding regulation of the performance of religious festivals, etc.	46
Malaviya, Pandit Madan Mohan—	
On Resolution regarding regulation of the performance of religious festivals, etc.	49
On the Code of Criminal Procedure (Third Amendment) Bill	115
Muddiman, The Hon'ble Sir Alexander—	
On Resolution regarding regulation of the performance of religious festivals, etc.	17, 24, 56
On Resolution regarding the Report of the Taxation Enquiry Committee	81
On the Code of Criminal Procedure (Third Amendment) Bill	73, 122, 133, 139
On the Currency Bill	155, 197

N

Nair, The Hon'ble Sir C. Sankaran—	
On Resolution regarding the Report of the Taxation Enquiry Committee	171
On the Code of Criminal Procedure (Third Amendment) Bill	179
Nehru, Pandit Shamlal—	
On Resolution regarding retention in its present site of Rameswaram Station on the South Indian Railway	91
Neogy, Mr. K. C.—	
On Resolution regarding retention in its present site of Rameswaram Station on the South Indian Railway	91

P

Pantulu, The Hon'ble Mr. V. Ramadas—	
On the Code of Criminal Procedure (Third Amendment) Bill	191

Q

Qaiyum, Nawab Sir Shaibzada Abdul—	
On Resolution regarding regulation of the performance of religious festivals, etc.	16

R

Rahman, Khan Bahadur, A.—	
On the Code of Criminal Procedure (Third Amendment) Bill	112

Rangachariar, Dewan Bahadur T.—	
On Resolution regarding regulation of the performance of religious festivals, etc.	12
On Resolution regarding the Report of the Taxation Enquiry Com- mittee	77
On the Code of Criminal Procedure (Third Amendment) Bill	109, 127, 135
On the Currency Bill	149

Rau, The Hon'ble Rao Sahib Dr. U. Rama—	
On Resolution regarding the Report of the Taxation Enquiry Com- mittee	170

Resolutions—	
Regarding Indian Banking	159
Regarding Regulation of the performance of religious festivals, etc. .	7
Regarding Report of the Taxation Enquiry Committee	59, 164
Regarding retention in its present site of Rameswaram Station on the South Indian Railway	82

Roy, Mr. K. C.—	
On Resolution regarding regulation of the performance of religious festivals, etc.	35
On Resolution regarding the Report of the Taxation Enquiry Com- mittee	78
On the Code of Criminal Procedure (Third Amendment) Bill	100, 136

S

Sethna, The Hon'ble Sir Phiroze—	
On Resolution regarding Indian Banking	159
On the Code of Criminal Procedure (Third Amendment) Bill	184

Sheepshanks, Mr. J.—	
On Resolution regarding regulation of the performance of religious festivals, etc.	40

Stow, The Hon'ble Mr. A. M.—	
On the Code of Criminal Procedure (Third Amendment) Bill	188

T

Thakurdas, Sir Purshotamdas—

- | | |
|---|-----|
| On Resolution regarding Retention in its present Site of Rameswaram Station on the South Indian Railway | 89 |
| On the Code of Criminal Procedure (Third Amendment) Bill | 137 |

Townsend, Mr. C. A. H.—

- | | |
|--|-----|
| On the Code of Criminal Procedure (Third Amendment) Bill | 105 |
|--|-----|

W

Wacha, The Hon'ble Sir Dinshaw—

- | | |
|--|-----|
| On the Code of Criminal Procedure (Third Amendment) Bill | 189 |
|--|-----|

Weston, The Hon'ble Mr. D.—

- | | |
|--|-----|
| On the Code of Criminal Procedure (Third Amendment) Bill | 182 |
|--|-----|

Willson, Sir Walter—

- | | |
|--|----|
| On Resolution regarding the Report of the Taxation Enquiry Committee | 78 |
|--|----|

Y

Yakub, Maulvi Muhammad—

- | | |
|--|---|
| On Resolution regarding regulation of the performance of religious festivals, etc. | 7 |
|--|---|